REPRINT

OF

THE REVENUE LAW

OF THE

NORTH-WESTERN PROVINCES.

NOVEMBER, 1867.

[*N. B.*—All Obsolete Laws are Omitted: but Obsolete Portions of Laws are Necessarily Reprinted.]

By order of the Board of Revenue, N. W. Provinces.

BENGAL SECRETARIAT LIBRARY.

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Allahabad:
1*st November*, 1867.

ROBERT CUST,
Member of Board of Revenue.

BENGAL SECRETARIAT LIBRARY.

When Group IX. has been reprinted it may be profitably studied: at present the study of the text of the old Regulations has died out. The spirit of the Regulation is a mere form of words—a kind of tradition supposed to be contained in the body of *The Thomason Treatise, Directions to Revenue Officers.* The study of the existing Revenue Law is a most perplexing one.

The old law-makers were very verbose, and included different subjects in the same enactment. The amenders of the Law, instead of rescinding sections and re-enacting, constantly passed new Laws *to be read with the old Laws.*

The phraseology used in the old Regulations is very uncertain: one of the advantages of the Code would be to have a certain fixed terminology in the English language.

There is no occasion to take any notice of the powers at present entrusted to Revenue Officers by the Revenue and Rent Code; these powers are quite outside the ordinary duties of the Collector, and may possibly be withdrawn.

If it is proposed to proceed to codification, the purport of the existing Regulations must be recast in suitable technical language, in the order laid down in the skeleton. It is an operation requiring very much care. I had hoped to have had three (3) months' leave to do it next year. It could be done as well in England as India.

At the time of the codification some amendments of procedure may be introduced: this will require great caution, and a long and wide experience. It will be fortunate for the codifier, if Sir W. Muir is at the head of the Government at the time.

There has been no difficulty in taking out Regulations and Acts, which are wholly *obsolete*, but the greatest difficulty would be experienced in removing *portions* of Regulations and Acts, which are obsolete: this process must belong to the second stage of the operation,—*viz.*, the codification,—for nothing short of an enactment can remove those portions from the Statute Book. In my reprint I have been constrained, as the least of two evils, to reprint a vast amount of obsolete and useless matter, as I am bound to lay before the codifier the whole of each enactment, omitting only those portions rescinded by subsequent legislation, and occasionally such portions as are obviously superseded, such as allusions to provincial Courts, and extinct institutions.

In the reprint I have omitted the marginal references.

Had I been preparing a text-book, like *Marshman's Revenue Guide*, I might have taken portions of the Law, and left out portions; but my object is different—I wish to take the first step towards codification: Laws, entirely obsolete, are placed in a bundle by themselves, to be repealed: Laws partially obsolete, are printed *in extenso*, that the codifier may operate upon them.

ROBERT CUST,
Member of Board of Revenue.

The 1st November, 1867.

A.

MINUTE ON THE PREPARATION OF CODE OF REVENUE LAW.

THE OBJECT and *modus operandi* are detailed in the printed Memorandum of Proposals.

These have been approved by the Government of India and Local Government.

The undersigned has been prevented by a crushing domestic calamity from doing more than preparing materials, and he sees no prospect of doing more himself: this may help others.

The first stage is to print the existing Law so far as it is unrepealed and not obsolete, and to print it grouped in chapters, so as to facilitate codification.

Enclosed are the following papers:—

I.—Copy of proposals.

II.—Skeleton of a Code, subject to amendment.

III.—Chronological Record of Revenue Proceedings, to make Legislation of past years intelligible. (This record is not complete yet.)

IV.—Chronological List of Regulations and Acts (unrepealed) regarding the Land Revenue and Excise.

V.—Abstract of Duties imposed on Revenue Officers by Penal Code and Criminal Procedure Code.

VI.—Classified List of Regulations and Acts not to be reprinted because they are—

1.—Obsolete.

2.—Relating to jurisdiction.

3.—Relating to subjects beyond the scope of the Code—*viz.*, Local and Special Laws—

A. Rent Law.

B. Canal Law.

C. Revenue Assignments.

D. Excise.

E. Benares Family Domains.

VII.—Classified List of Regulations and Acts to be reprinted.

VIII.—Text of the group contained in No VI., not to be reprinted.

IX.—Text of the group contained in No. VII. to be reprinted.

The student will not often have occasion to refer to Group VIII. in connection with the Land Revenue; it may be a question whether the obsolete Law may not be removed from the Statute Book by an enactment: the Regulations and Acts relating to jurisdiction are clumsy, but it is not expedient to meddle with them unless the Government of India is prepared to pass a great organic Statute declaratory of the jurisdiction and boundaries of each Province.

B.

PROPOSAL TO DRAFT A CODE OF REVENUE LAW FOR THE NORTH OF BRITISH INDIA.

The extension of the Code of Civil Procedure to the Punjab Province marks an era in the judicial history of India. For the first time the whole of British India has been brought under the same Code of Penal Law, and of Civil and Criminal Procedure. The Non-Regulation system may now be said to have received its death-blow.

This system came into existence as a kind of reaction against the intolerable yoke of confused Regulations and constructions of Law which had grown up in the first fifty years of our rule in the Presidency of Fort William. When, in the year 1846, the empire began to expand in a marvellous way by the absorption of whole kingdoms, it was determined to constitute a new organization of tribunals, and place before them, as a rule of guidance, the spirit, and not the letter, of the Regulations.

But in course of time a second reaction took place. Under the able men who started the system, and in newly-conquered provinces, it worked well; but after their departure, and when order was fully established, the Non-Regulation system became merely a veil, behind which high-handed men could do just what they liked—create new offences, pass new Laws (as if they were vested with legislative powers), and override the independence of the judicature.

After a protracted struggle of the patriarchal party, the system has fallen, though the exceptional organization of tribunals still remains, and still calls for reform. The object of this Memorandum is to suggest one of the steps required to be taken to complete the new order of affairs, and efface even the name of "Non-Regulation" by getting rid of the Regulations themselves.

In the course of the last ten years the volume of old Regulations has been annually thinned, as on the enactment of each Code and organic Law the particular Regulations superseded were rescinded. The three great Codes alluded to above—the Rent Act, Stamp Act, Registration Act—and other enactments, have swept away much that had lost its value by efflux of time, for no one can deny the exceeding merit and excellence of these old Regulations.

But the Law relating to the collection of the Land Revenue still remains in a state of lamentable, and, except to those who are trained to its study, unintelligible, confusion. Regulation upon Regulation, Act upon Act, have been passed upon this most important subject between the year 1793 and the present time, rescinding parts or whole, modifying, contradicting, or reiter-

ating. It has come to this in Upper India,—that no one pretends to study the Law on the subject, but each man contents himself with a knowledge of the test-books and circulars of the Executive.

Mr. James Thomason many years ago proposed to draft a Revenue Code for the North-Western Provinces, and his conception of what was required is to be found in the second volume of his published despatches, and will be a valuable contribution to the work.

In the absence of any one willing or able to carry out this measure, I propose to realize a long-cherished wish to compile a Revenue Code which, with special chapters devoted to each Province, might be applicable to the North-Western Provinces, the Punjab, Oudh, and the Central Provinces. The opportunity seems favorable, since the two greatest authorities on Revenue matters in these Provinces—Sir John Lawrence and Mr. William Muir—are both in the Council of India.

To excuse my presumption, I must plead that I am intimately acquainted with the Revenue Administration, both of the Punjab and the North-Western Provinces, having held the post of Financial Commissioner, and published at the desire of the Local Government a *Revenue Manual* for the one Province, and finding myself unexpectedly a Member of the Board of Revenue of the other. I believe, also, that the Province of Oudh might come under the same Code, as it certainly will before long come under the same Administration. With regard to two divisions of the Central Provinces, it is a fact, that for many years they were under the same system as the North-Western Provinces, and it may be presumed that the divergence of the systems adopted in the other two divisions is not material.

To enable the work to proceed with certainty, and independently of the health, life, or fancy of any one individual, I have commenced to collect the following materials :—

The earliest Regulation which has force in this Province is dated 1795. I have gone over the Statute Book since that date, and excerpted all Regulations and Acts, and all portions of Regulations and Acts, hitherto unrepealed, and grouped them under certain heads, after rejecting all that are obsolete from efflux of time, or merely of a declaratory or temporary character determining geographical jurisdiction or such like. The whole of this material, thus arranged, will be printed : and thus the existing Law will be brought in a corrected and intelligible, though not scientifically codified, form before the student, the parties concerned, or the legislator ; and even if nothing comes of the Code, the plea of inability to ascertain the Law will not hereafter be sustainable. This portion of my task, undertaken last year in compliance with the wishes of the Local Government, is in a very forward state.

But in addition to and often modifying this *lex scripta*, there has sprung up around the executive details of our Revenue Administration a vast number of circular orders. Up to the year 1848 these have been consolidated into *The Thomason Treatise*, *The Directions to Revenue Officers*; and during the last year I have gone over all of a date subsequent up to the present time, and, after the removal of all that are obsolete or rescinded, have grouped those still in force under several heads, and printed them. *The Punjab Revenue Manual*, alluded to above, embraces all circulars up to 1863: and those of a subsequent date will have to be collated. I have asked the Chief Commissioners of Oudh and the Central Provinces to be favored with a collection of unrepealed Revenue circulars of those Provinces.

Another portion of the *lex non scripta* of these Provinces is to be found scattered in the decisions of the Sudder Court. I propose this year to go carefully through them, and extract all decisions which relate to points of Revenue Law, and print them. It is probable that no decisions have been passed by the highest Courts of Judicature of the other Provinces, for this simple reason,—that up to this time no actual Revenue Law exists, the administration being conducted in the spirit of the Law having force in the North-Western Provinces, which is too vague to admit of legal constructions.

The materials collected will thus consist of—

I.—Regulations and Acts.

II.—Circular Orders of the highest authority.

III.—Decisions of the chief Courts of Judicature.

It is proposed that the Code relate solely to the settlement and collection of the Land Revenue, and the subjects necessarily connected therewith. No allusion will therefore be made to judicial powers conferred upon Collectors for the decisions of special classes of cases, such as Act X. of 1859.

The materials being thus collected, the actual work of codification will commence; but at the same time certain suggestions for emendation will have to be considered. This will be a work of time, thought, and intimate Revenue experience, and it is feared that no one with the heavy weight of official duties upon his shoulders will be able to carry through this additional task.

A list of the Regulations and Acts, which will have to be repealed when the new enactment comes into force will have to be prepared.

The greatest publicity, the amplest time and opportunity for suggestion, and the utmost freedom of discussion on the different points ruled in the new Code, will have to be allowed, and the most independent comments solicited. There are some points upon which the different schools of Revenue Officers will never agree.

It will satisfy the desires of the undersigned if he is permitted by health and opportunity to collect the materials, suggest and render possible the undertaking, leaving to others the credit of completing the design. The reward to him will be in the work itself, and the anticipation of advantage to the people and the public service derived therefrom.

As the matter relates to four Governments and Administrations, and more especially to the Legislative Branch of the Home Department, the liberty is taken of laying the subject before the Government of India direct.

It is further suggested that the same measure might be carried out for the Province of Lower Bengal.

And when the Revenue Regulations have been removed from the Statute Book, there will still be a residue of old Regulations which might be examined, and something done to reduce to a more convenient form those which are worth retaining.

For instance, an organic Law for the North-Western Provinces and Lower Bengal is required, similar to those for British Burmah, the Punjab, and Central Provinces, declaring the constitution of Offices, Judicial and Executive. It should be an object so to re-enact the scattered provisions of the old Bengal Code that no further reference to Regulations would ever be necessary.

ROBERT CUST,

Member of Board of Revenue,
North-Western Provinces.

ALLAHABAD :
January 29th, 1867.

C

SKELETON OF CODE.

CHAPTER I.

WHEREAS it is expedient to consolidate the procedure of the officers employed in the Settlement and Collection of the Land Revenue, and in the other duties connected therewith, it is enacted as follows :—

1. This Bill shall be called the "Code of Land Revenue Procedure."

2. It shall come into operation in the territories under the Lieutenant-Governors of the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh and the Central Provinces, from the 1st of

---

3. From that date, the Regulations and Acts, or portions mentioned in Schedule A. attached to this Bill, are rescinded, except so far, &c., &c.

CHAPTER II.

Of definitions and terms—

A. "Usual"—see other Codes.
B. "Special."

CHAPTER III.

PART I.
THE MATERIALS WITH WHICH WE HAVE TO DEAL.

1. Of the holders of beneficiary interests in the soil, whose rights are hereditary and transferable—

A. The perpetual assignee of Land Revenue.
B. The owner of land—
  (a.) Superior.
  (b.) Inferior—
    1. Full Proprietor—
      (a.) In common.
      (b.) In partial severalty.
      (c.) In entire severalty.
    2. Limited proprietor.
C. *Privileged* tenants with rights of occupancy.

Chapter IV.

1. The holders of beneficiary interests in the soil, whose rights are hereditary but not ordinarily transferable.

2. Tenants with rights of occupancy.

Chapter V.

The holders of beneficiary interests in the soil, whose rights are neither hereditary nor transferable—

A. The assignee of Land Revenue for term other or less than perpetuity.
B. The farmer or private lessee.
C. The tenant—
  I. On lease.
  II. At will.

PART II.
Our Machinery.

Chapter VI.

Of the Revenue Officers and the powers with which they are vested, and duties imposed by law—

I., Board; II., Commissioner; III., Collector; IV., Deputy; V., Assistant; VI., Tehseeldar; VII., Canoongoe; VIII., Putwaree.

PART III.
Our "Modus Operandi."
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Chapter VII.

Of the Settlement—
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  II. Perpetual.
  III. Additional—
    1. Lapses.
    2. Fluvial changes.

Chapter VIII.

1. Of appropriations of land for Government purposes, and restoration.

2. Waste-land grants.

CHAPTER IX.

3. Of partition—

I. Perfect.

II. Imperfect.

CHAPTER X.

B.—"Collecting it."

1. Of collection of Land Revenue.

CHAPTER XI.

2. Of processes against the person and personalty of the defaulter.

CHAPTER XII.

3. Of processes against the land, on which the default arose.

CHAPTER XIII.

4. Of processes against land other than that, on which default arose.

CHAPTER XIV.

C.—"Registration."

1. On the custody of records and registration of landed property.

CHAPTER XV.

2. On mutation of names of holders of beneficiary interests in the soil.

CHAPTER XVI.

3. Of special semi-judicial powers of Revenue Officers for the purposes defined in Chapters XIV. and XV.

CHAPTER XVII.

D.—"Fiduciary Duties."

1. Of Ministerial Agency of Courts of Law.

CHAPTER XVIII.

2. Of Court of Wards.

CHAPTER XIX.

3. Of property belonging to the State or the Public.

E.—"Judicial, (*Nearly Obsolete.*")

CHAPTER XX.

Of investigation into assignments of Land Revenue.

F.—"Executive Duties.

CHAPTER XXI.

1. Of providing supplies for servants of Government on the march.

2. Of pensions.

D.

CHRONOLOGICAL RECORD

OF

REVENUE PROCEEDINGS,

NORTH-WESTERN PROVINCES,

FROM 1795.

[*I had intended to insert a great deal of additional matter, quoting all the celebrated Minutes written from time to time by Colebrooke, Holt Mackenzie, Robert Bird, Thomason, &c., &c. The Student can fill in further information in the vacant spaces.*]

YEAR	PROCEEDINGS.
1795	Benares Perpetual Settlement—Regulation I.
1796	
1797	
1798	
1799	
1800	Regulation V —legalizing distraint of chattels for arrears
1801	
1802	

YEAR.	PROCEEDINGS.
1803	Ceded Provinces—Regulation XXV.—Settlement.
1804	Conquered Provinces annexed—Regulation IX.
1805	Conquered Provinces—Regulation IX.—Settlement. First Triennial Settlement, Ceded Provinces, ends.
1806	Souk, Sousa, and Sukar annexed to Agra from Bhurtpore—Regulation XI.
1807	Regulation X.—proposed Perpetual Settlement of Ceded and Conquered Provinces; Board of Commissioners.
1808	Regulation IV.—Canoongoes. Second Triennial Settlement, Ceded Provinces, ends. First Triennial Settlement, Conquered Provinces, ends.
1809	
1810	

YEAR.	PROCEEDINGS.
1811	Second Triennial Settlement, Conquered Provinces, ends.
1812	First Quaternal Settlement, Ceded Provinces, ends. Regulation IX.—Settlement, Ceded Provinces. Regulation X.—Settlement, Conquered Provinces. Regulation XXIII.—Bundelkund jagheers excluded.
1813	
1814	
1815	Earl of Moira's famous Minute. First Quaternal Settlement, Conquered Provinces, ends. Regulation VII., excluding Khirwee.
1816	Regulation XVI —Settlement, Ceded Provinces. Regulation XVIII, annexing Handya to Allahabad Division.
1817	First Quinquennial Settlement, Ceded Provinces, ends. Regulation IV., annexing Deyrah Dhoon. Regulation X., annexing Kumaon.
1818	Holt Mackenzie's famous Minute. Regulation II., annexing Khundeh to Banda District. Regulation IX.—Settlement, Conquered Provinces.

YEAR.	PROCEEDINGS.
1819	
1820	First Quinquennial Settlement, Conquered Provinces, ends.
1821	Special Commission regarding Sales in Land.
1822	Regulation VII. (Settlement.) Second Quinquennial Settlement, Ceded Provinces, ends.
1823	
1824	
1825	Second Quinquennial Settlement, Conquered Provinces, ends. Extending Regulation VII. of 1822 to Benares. Farm and Sequestration—Regulation IX. Regulation XXI., transferring Deyrah Dhoon to Kumaon.
1826	Regulation V., annexing Pergunnah Goverdhun to Agra District.

YEAR.	PROCEEDINGS.
1827	Third Quinquennial Settlement, Ceded Provinces, ends.
1828	Regulation VIII.—Family Domains, Benares.
1829	Regulation I.—Commissioners and Sudder Board. Regulation V., re-transferring Deyrah Dhoon from Kumaon.
1830	
1831	Sudder Board, Allahabad, Regulation X. Regulation I., excluding Bithour in Cawnpoor District.
1832	Regulation V., placing Delhi Territory under the Board.
1833	Regulation IX.—Settlement.
1834	

YEAR	PROCEEDINGS
1835	
1836	Act XVII., annexing Surdhana to Meerut Division.
1837	Azimgurh Settlement reported.
1838	Act X, placing functionaries of Kumaon under the Board.
1839	
1840	
1841	Act I.—Putteedaree Estates

YEAR.	PROCEEDINGS.
1842	
1843	
1844	
1845	Act I.—Revenue Sale Law.
1846	Act VIII., fixing period of Settlement.
1847	Act I.—Boundaries.
1848	

YEAR.	PROCEEDINGS.
1849	
1850	
1851	
1852	Act IX., annexing Bithour to Cawnpore District.
1853	Act XVII., annexing Khirwee to Banda District.
1854	
1855	

YEAR.	PROCEEDINGS.
1856	
1857	Settlement falls in Scharunpore.
1858	Act XXXVIII., excluding Delhi Territory from the Province.
1859	Settlement falls in Goruckpore and Bolundshuhur. Act X.—Rent Act.
1860	Act XXX., excluding Kalpee and Koonch from Regulations.
1861	Settlement falls in Mozuffernugger. Act XIV., excluding Turai from Regulations.
1862	

YEAR.	PROCEEDINGS.
1863	Act XIV.—Rent. Act XIX.—Partition. Act XII., bringing Mahoba and Jeitpore under Regulations, District Humeerpore.
1864	Act I., annexing Poorwa and Khuddee to District Banda. Act XIX., excluding portion of Mirzapore from Regulations. Act XXIV., legalizing Rules of Administration of Jhansie Division.
1865	Settlement falls in Furruckabad and Meerut.
1866	Settlement falls in Budaon and Bijnour.
1867	Settlement falls in Azimgurh and Bareilly. Act XXVII.—Organic Law of Jhansie Division.
1868	Settlement falls in Shahjehanpore and Allygurh.
1869	Settlement falls in Allahabad.

YEAR.	PROCEEDINGS.
1870	Settlement falls in Futtehpore, Cawnpore, and Mynpoory.
1871	Settlement falls in Etawah and Muttra.
1872	Settlement falls in Humeerpore, Agra, and Moradabad.
1873	
1874	Settlement falls in Banda.

ALLAHABAD:
November 1, 1867.

ROBERT CUST,
Member of the Board of Revenue,
North-Western Provinces.

E

CHRONOLOGICAL LIST

OF

UNREPEALED REGULATIONS AND ACTS

REGARDING THE

LAND REVENUE AND EXCISE

OF THE

NORTH-WESTERN PROVINCES.

ANALYSIS OF UNREPEALED REVENUE REGULATIONS AND ACTS.

Serial No.	Year	Number.	Province.	Subject.	Whether Obsolete or not.	Class in Classified Lists I. and II.	Remarks.
1	1795,	I.,	Benares, ...	Declaring the Perpetual Settlement, ...	...	Settlement, ...	See IV. superseded by Acts of Parliament III. and IV. of William IV., Chap. 85, constituting Council of India.
2	"	II.,	" ...	Recapitulating procedure of Settlement, ...	Obsolete.		
3	"	IV.,	" ...	Abolishing Sayer Duties, ...	Ditto.		
4	"	V.,	" ...	Duties of Collector, ...	...	Revenue Officers, ...	See Regulation XXV. of 1803.
5	"	Sec. 8,	" ...	Rajah of Benares' Domains, ...	...	Special and Local Law,	See Regulation XV. of 1795, VII. of 1828.
6	"	VI.	" ...	Collection of Public Revenue, ...	...	Collections, ...	See Regulation V. of 1800.
7	"	VIII., Sec. 4, Clause 2.	" ...	Copies of decree to be sent by Civil Court to Collector, to keep up Register.	...	Records and Registration,	See Sec. 4, LVIII. of 1795. See III. of 1803. XIX. of 1795. LVIII. of 1795.
8	"	Secs. 5, 6, & 7,	" ...	Attachment of forfeited lands by order of Court, ...	...	Fiduciary Duties.	
9	"	X., Secs. 6 & 7,	" ...	Cases of Forfeiture. ...	...	Ditto, ...	See III. of 1803. V. of 1803.
10	"	XV. Sec. 3,	" ...	Cases to be referred to the Rajah of Benares, and Civil Courts barred.	...	Special and Local Law,	See VII. of 1828. V. of 1795.
11	"	XIX.,	" ...	Preparation of Quinquennial Register of Land, ...	...	Record and Registration,	See VIII. of 1795. VIII. of 1800. XLII. of 1803.
12	"	XXVII.,	" ...	Further particulars regarding Perpetual Settlement, ...	...	Settlement, ...	See I. & II. of 1795.
13	"	XXX.,	" ...	Rules for establishing a Record Office, ...	...	Record and Registration,	See Regulation XV. of 1797. XXIII. of 1803.
14	"	XXXIV.,	" ...	Rules with regard to Pensions, ...	...	Executive Duties, ...	See XXIV. of 1803. XI. of 1813.

15	"	XLI,	" ...	Rules for trying validity of titles to hold land Revenue-free under grants other than Badashahie.	...	Special and Local Law,	See Regulation XXXI. of 1803.
16	"	XLII.,	" ...	Ditto ditto under Badashahie grants, ...	...	Ditto, ...	See Regulation XXXVI of 1803.
17	"	XLIII.,	" ...	Rules for Grants of Land to Invalid Native Officers and Soldiers.	Obsolete, ...	...	See Regulation I. of 1804. XL of 1803.
18	"	XLVI,	" ...	Rules regarding Tuccavee for Embankments, ...	...	Collection, ...	See Sec 46, Regln. VI. of 1795. See Regulation XLIV. of 1803. VI. of 1806.
19	"	XLVIII, Sec. 2,	" ...	Prohibiting Covenanted Servants to lend money to natives.	...	Revenue Officers.	
20	"	L., Secs. 6 & 7,	" ...	Power of Land-holder to make grants or give leases, ...	Obsolete.		
21	"	LI,	" ...	Grants of Pottas to Ryots, ...	Ditto, ...	...	See Regulation XXX. of 1803.
22	"	LVIII., Sec 2,	" ...	Granting Collectors a commission on lands resumed under Regulations XLI. and XLII,	Ditto.		
23	"	" Sec 3,		Copies of decrees of Civil Court under above Regulation to be sent to Collector, to keep up Register, ...	...	Record and Registration,	See Regulation VIII. of 1795. III. of 1803.
24	"	" Sec 4		Copies of such decrees required under Section 4, Regulation VIII of 1795, to be such as affect proprietary right in land, ...			
	1796,	...		None			
25	1797,	XV.,		Fees on transfer of property, ...	...	Record and Registration,	See Regulation XXX. of 1795. XXIII. of 1803.
	1798,	...		None.			
	1799,	...		None.			
26	1800,	II.,		Rules for Stone Quarries in Benares Division, ...	...	Special and Local Law.	
27	"	V., Secs 22 to 27,	" ...	Collection of Land Revenue and attachment of personal property.	...	Collection, ...	See Regulation VI. of 1795. I. of 1801.
28	"	VIII,	" ...	Preparation of Pergunnah Register of Land, ...	...	Record and Registration,	See Regulation XIX. of 1795. XLII. of 1803.
29	1801,	I.,	" ...	Collection of Land Revenue, ...	...	Collection, ...	See Regulation VI of 1795. V of 1800. XXVII. of 1803.
	1802,	...	...	None.			

Serial No.	Year.	Number.	Province.	Subject.	Whether Obsolete or not.	Class in Classified Lists I. and II.	Remarks.
30	1803,	III., Sec. 11, Clause 2,	Benares, ...	Judge to transmit copies of all decrees to Board and Collectors.	...	Record and Registration.	
31	"	Sec. 23,	...	Collector to take care of land forfeited for contempt of Court.	...	Fiduciary Duties, ...	See VIII. of 1795.
32	"	XIX.,	Ceded Provinces.	Prohibiting Civil Servants to lend money, ...	...	Revenue Officers, ...	See XLVIII. of 1795.
33	"	V., Sec. 24,	" ...	Collector to take charge of land forfeited, ...	...	Fiduciary Duties, ...	See III. of 1803. VIII of 1795. X. of 1795.
34	"	XXIII.,	" ...	Rules for establishing a Record Office, ...	...	Record and Registration,	See XXX. of 1795. XV. of 1797.
5	"	XXIV.,	" ...	Pensions, ...	...	Executive Duties, ...	See Regulation XXXIV. of 1795. XXII. of 1806. XI of 1813. VI. of 1817.
36	"	XXV.,	" ...	Rules for conduct of Collectors and Settlement arrangements.	...	Revenue Officers and Settlement.	See Regulation V. of 1795. XLVII. of 1803. V. of 1805, Sec. 2. III. of 1829, Sec. 6.
37	"	XXVI.,	" ...	Sale of land, ...	Obsolete.		
38	"	XXVII,	" ...	Collection of Land Revenue, ...	...	Collection, ...	See Regulation VI of 1795. V. of 1800. I. of 1801.
39	"	XXX.,	" ...	Granting of Pottas, ...	Obsolete.		
40	"	XXXI.,	" ...	Rules for trying validity of titles to hold land Revenue-free under grants other than Badashahie.	...	Special and Local Law,	See Regulation XLI. of 1795. VII. of 1808.
41	"	XXXIII.,	" ...	Rules for preventing employment of public money and withholding of public papers by Native Officers.	...	Revenue Officers.	
42	"	XXXVI.,	" ...	Rules for trying validity of titles to hold Revenue-free grants that are Badashahie.	...	Special and Local Law,	See Regulation XLII. of 1795. VII. of 1808.

43	"	XLII.,	" ...	Peparation of Quinquennial and Pergunnah Register of Land.	...	Record and Registration,	See Regulation XIX. of 1795. VIII. of 1800.
44	"	XLIV.,	" ...	Rules regarding Tuccavie for Embankments, ...	...	Collection, ...	See Regulation XLVI. of 1795. VI. of 1806.
45	1803,	XLVII.,	" ...	Further rules regarding Settlement, ...	Obsolete, ...	...	See Regulation XXV. of 1803. Act XVI. of 1842.
46	"	LII.,	" ...	Establishing a Court of Wards, ...	...	Fiduciary Duties, ...	See Regn VI of 1842, for Benares, Act XXVI. of 1854.
47	1804,	I.,	General, ...	Invalid Jagheers, ...	Obsolete, ...	...	See Regulation XLIII. of 1795. XI. of 1808.
48	"	V.,	" ...	Rules with regard to appointment of Native Officers, ...	...	Revenue Officers, ...	See Regulation VIII. of 1803.
49	"	IX.,	Conquered Provinces.	Jurisdiction, ...	...	Jurisdiction, ...	See Regulation VIII. of 1805.
50	1805,	V.,	Ceded Provinces.	Second Settlement, ...	Obsolete, ...	...	See Regulation XXV. of 1803. XXVII. of 1803.
51	"	VIII.,	Conquered Provinces.	Extending certain Regulations, ...	...	Jurisdiction, ...	See Regulation IX. of 1804.
52	"	IX.,	" ...	First Settlement, ...	Obsolete.		
53	1806,	VI.,	General, ...	Embankments, ...	...	Collection, ...	See Regulation XLVI. of 1795. XLIV. of 1803.
54	"	XI,	" ...	March of troops, ...	...	Executive Duties, ...	See Regulation III. of 1820. VI. of 1823.
55	"	XII.,	" ...	Annexation of Pergunnah from Bhurtpore to Agra District,	...	Jurisdiction, ...	See Regulation IX. of 1804. VIII. of 1805. IX. of 1805.
56	"	XXI,	" ...	Appointment and responsibilities of Tehseeldars, ...	Obsolete, ...	...	See Regulation XXXIII. of 1803, Sec 2.
57	"	XXII.,	" ...	Payment of pensions, ...	...	Executive Duties, ...	See Regulation XXIV. of 1795. XXIV. of 1803.
58	1807,	VII,	Benares, ...	Altering the Law regarding Huzoor Tehseel, ...	...	Collection, ...	See Regulation II. of 1795.
59	"	X.,	Ceded and Conquered Provinces,	3. Settlement of Ceded Provinces, ... 2. " of Conquered Provinces.	Obsolete, ...	...	See Regulation V. of 1805. IX. of 1805.

Serial No.	Year.	Number.	Province.	Subject.	Whether Obsolete or not.	Class in Classified Lists I. and II.	Remarks.
60	1805,	IV.,	Ceded and Conquered Provinces, Benares.	Appointment and duties of Canoongoes, ...	...	Revenue Officers, ...	See Regulation I. of 1819.
61	"	V.,	Ceded Provinces.	Settlement (explanatory), ...	Obsolete, ...	...	See Regulation XXVII. of 1803, Sec. 53.
62	"	VII.,	Ceded and Conquered Provinces.	Registry of Lakhiraj Lands, ...	...	Special and Local Law,	See Regulation XXXI. of 1803 XXXVI. of 1803. II. of 1819.
63	"	XI.,	General, ...	Invalid Jagheerdars, ...	Obsolete, ...	...	See Regulation I. of 1804. XLIII. of 1795.
64	1809,	VIII.,	" ...	Appointment and removal of Native Officers in Civil Department.	...	Revenue Officers, ...	See Regulation V. of 1804.
65	1810,	XIX.,	" ...	Custody of endowments, escheats, and public buildings,	...	Fiduciary Duties, ...	See Act XX. of 1863.
66	1811,	II.,	" ...	Invalid Native Military Officers, ...	Obsolete, ...	...	See Regulation I. of 1804. XLIII. of 1795. XI. of 1808.
67	1812,	V.,	" ...	Undivided holdings, ...	Ditto, ...	...	Regulation V. of 1827.
68	"	IX.,	Ceded Provinces.	4th Settlement, ...	Ditto.		
69	"	X.,	Conquered Provinces.	3rd Settlement, ...	Ditto, ...	...	See Regulation X. of 1807.
70	"	XIV.,	Ceded and Conquered Provinces.	Period for which leases can be granted, ...	Ditto, ...	...	See Act XVI. of 1842.
71	"	XVIII.,	Benares, ...	Leases, ...	Ditto, ...	...	See Act XVI. of 1842.
72	"	XXII.,	Bundlecund,	Excluding certain jagheers from the General Regulations,	...	Jurisdiction, ...	See Act I. of 1864.

73	1813,	II.,	General, ...	Punishment of Native Officers for abuse of trust in using public money,	...	Revenue Officers.	
74	"	VII., Sec. 2,	Ceded and Conquered Provinces.	Reference of Revenue Accounts to Collectors (Civil Court Procedure).	Obsolete.		
75	"	XI.,	General, ...	Modification of Rules regarding Pensions, ...	...	Executive Duties, ...	See Regulation XXXIV. of 1795. XXIV. of 1803.
76	"	XV.,	" ...	Abolition of office of Dewan, ...	Obsolete.		
77	1814,	XXI,	" ...	Forbidding Collectors having on their Establishments their creditors.	...	Revenue Officers.	
78	1815,	I.,	Ceded and Conquered Provinces.	Rules with regard to Mocurreree and Istimrar Grants,	Obsolete, ...	...	See Regulation II. of 1819.
79	1816,	VII.,	Bundlecund,	Excluding Jagheer of Kirwee, ...	...	Jurisdiction, ...	See Act XVII. of 1853.
80	"	XVI.,	Ceded Provinces.	5th Settlement, ...	Obsolete.		
81	"	"	" ...	Annexing Pergunnah Handya to the Allahabad District,	...	Jurisdiction.	
82	1817,	IV.,	Conquered Provinces.	Annexing Deyrah Dhoon to Saharunpore District, ...	...	Ditto, ...	See Regulation XXI of 1825. V. of 1829.
83	"	V.,	General, ...	Declaring rights of Government in hidden treasure, ...	...	Fiduciary Duties.	
84	"	VI.,	" ...	Pensions—how far free from action of Civil Court, ...	...	Executive Duties, ...	See Regulation XXXIV. of 1795. XXIV. of 1803 Act VI. of 1849.
85	"	XII,	" ...	Securing better administration of the Office of Putwaree,	...	Revenue Officers, ...	See V of 1800, Sec. 25.
86	"	XVIII,	" ...	Concerning oath of office to be taken from Native employés,	...	Ditto.	
87	"	XXIV., Sec 5,	" ...	Powers of single Member of Board, ...	...	Ditto, ...	See Regulation III. of 1822. I. of 1829. I. of 1833.
88	1818,	II.,	Bundlecund,	Annexing Pergunnah Khundeh to Bundlecund District,	...	Jurisdiction.	
89	"	III.,	General, ...	Attachment of land by Government, ...	...	Fiduciary Duties.	
90	"	IX.,	Conquered Provinces.	4th Settlement ...	Obsolete.		

Serial No.	Year	Number.	Province.	Subject.	Whether Obsolete or not.	Class in Classified Lists I. and II.	Remarks.
91	1819,	I., Sec. 4,	General, ...	Office of Canoongoe, ...	...	Revenue Officers, ...	See Regulation IV. of 1808.
92	"	II.,	" ...	Revenue-free tenures, ...	...	Special and Local Laws,	See Regns. XLI., XLII., of 1795. XXXI, XXXVI, of 1803. I. of 1815.
93	1820,	III.,	" ...	Forbidding employment of coolies, ...	...	Executive Duties, ...	See Regulations XI. of 1806. VI. of 1825.
94	1821,	I.,	" ..	Special Commission regarding Land, ...	Obsolete, ...	...	See I. of 1823. Act III. of 1835.
95	"	IV., Sec. 8,	" ...	Powers of Assistant Collectors, ...	...	Revenue Officers.	
96	1822,	III.,	" ...	Board of Revenue, ...	...	Ditto, ...	See Regulation I of 1829. I. of 1833.
97	"	VI.,	Benares and General.	Court of Wards, ...	...	Fiduciary Duties, ...	See Regulation LII. of 1803. Act XXVI. of 1854.
98	"	VII.,	Ceded and Conquered Provinces.	Conduct of Settlement, ...	...	Settlement, ...	See Regulation IX. of 1825. IV. of 1828.
99	"	" Sec. 3,	General, ...	Attachment of land on account of public tranquillity,	...	Fiduciary Duties.	
100	"	XI., Sec. 36,	" ...	Rules with regard to Khas Management to apply to purchased estates.	...	Collections.	
101	"	" Sec. 38,	" ...	Government not liable for errors of Court of Justice,	...	Revenue Officers.	
102	1823,	I,	" ...	Special Commission, ...	Obsolete, ...	...	See Regulation I. of 1821. Act III. of 1835.
103	"	VII.,	" ...	Prohibiting Public Officers from taking loans, ...	...	Revenue Officers.	
104	1824,	IX.,	Conquered Provinces.	Fifth Settlement of Conquered Provinces, ...	Obsolete.		
105	1825,	VI.,	General, ...	March of troops, ...	...	Executive Duties, ...	See Regulation XI. of 1806. III. of 1820.
106	"	IX.,	" ...	Conduct of Settlement, ...	...	Settlement, ...	See Regulation VII. of 1822. IV. of 1828.

107	"	" Sec. 4,	" ...	Farm and Kham, ...	...	Collection, ...	See Act I. of 1841.
108	"	" Sec. 5,	" ...	Revenue-free tenures, ...	...	Special and Local Law,	See Regulation II. of 1819.
109	"	XI.,	" ...	Alluvial lands, ...	...	Settlement, ...	See Act XXXI. of 1858.
110	"	XIII., Sec. 5,	" ...	Settlement of resumed lands, ...	...	Ditto, ...	See Regulation II. of 1819.
111	"	XIV.,	" ...	Revenue-free tenures, ...	...	Special and Local Law,	See Regulation II. of 1819.
112	"	XXI.,	" ...	Jurisdiction of Deyrah Dhoon, ...	...	Jurisdiction, ...	See Regulation IV. of 1817. V. of 1829.
113	1826,	II.,	Ceded Provinces.	Settlement, ...	Obsolete.		
114	"	IV.,	General, ...	Revenue-free tenures, ...	Ditto.		
115	"	V.,	Conquered Provinces.	Annexing Pergunnah of Govindghur to Agra District,	...	Jurisdiction.	
116	1827,	V.,	General, ...	Management of lands attached by order of Court, ...	...	Fiduciary Duties, ...	See Regulation III. of 1818, Secs. 35 and 36.
117	1828,	III.,	" ...	Revenue-free grants, ...	...	Special and Local Law,	See Regulation IV. of 1829.
118	"	IV., Sec. 2, Clause 4.	" ...	Amending Regulation VII. of 1822, ...	...	Settlement, ...	See Regulation VII. of 1822. IX of 1825.
119	"	VII.,	Benares, ...	Family Domains of Benares Rajah, ...	...	Special and Local Laws,	See Regulation V. of 1795. XV. of 1795.
120	1829,	I.,	General, ...	Constituting Commissioners and Sudder Board of Revenue.	...	Revenue Officers, ...	See Regulation XXIV. of 1817. I of 1833. X. of 1831.
121	"	III., Sec. 6.	" ...	Employment of parties by public officers (copyists), ...	...	Ditto, ...	See Regulation I. of 1821. Act III of 1835. XXV. of 1803, Sec. 12.
122	"	IV.,	" ...	Revenue-free grants, ...	...	Special and Local Law,	See Regulation III. of 1828.
123	"	V.,	" ...	Jurisdiction of Deyrah Dhoon, ...	...	Jurisdiction, ...	See Regulation XXI. of 1825. IV. of 1817.
124	"	XIII.,	" ...	Constituting the Board as Legal Remembrancers, ...	...	Revenue Officers.	
	1830,	...	...	None.			

Serial No	Year	Number.	Province	Subject	Whether Obsolete or not	Class in Classified Lists I and II	Remarks
125	1831,	X,	General, ...	Constituting Sudder Board of Allahabad, ..	...	Revenue Officers, ...	See Regulation I. of 1829. I. of 1833
126	1832,	I,	" ...	Jurisdiction of Bithour, ...	...	Jurisdiction, ..	See Act IX. of 1852
127	"	V,	" ...	Jurisdiction of Delhi Territory, ..	...	Ditto, ...	See Act XXXVIII of 1858
128	1833,	I.,	" ...	Control of Sudder Board over Customs, ...	...	Revenue Officers, ...	See Regulation XXIV of 1817. I of 1829 X. of 1831
129	"	IX,	" ...	Amending Regulation VII of 1822—conduct of Settlement.	...	Settlement,	See Regulation VII. of 1822
	1834,	..	...	None			
				ACTS			
	1834,	...	...	None			
1	1835,	III.,	" ...	Closing the Special Commission, ...	Obsolete, ..	...	See Regulation I of 1821 I. of 1823.
2	"	VIII,	" ...	Sales of intermediate tenures, ...	...	Special and Local Law,	See Act X of 1859. XIV of 1803.
3	1836,	XVII.,	" ...	Annexing Sirdhana to the Meerut District, ...	...	Jurisdiction	
4	1837,	IV,	" ...	Property in land may be held by any subject of Her Majesty.	...	Settlement, ...	See Act II of 1853
5	"	XXI,	" ...	Declaration substituted for oath, ...	...	Revenue Officers, ...	See XVIII of 1792 IX of 1833.
6	1838,	X.,	" ...	Placing functionaries of Kumaon, in Revenue cases, under the Board of Revenue.	...	Jurisdiction	
	1839,	...	...	None			
	1840,	...	...	None.			

7	1841,	I.,	General, ...	Collection of Revenue, ...	...	Collection, ...	See Regulation XXVII. of 1803. IX. of 1825. Act I. of 1845.
8	"	XII., Sec. 2,	" ...	Discontinuing levy of interest on arrears of Revenue, ...	...	Ditto, ...	See Act I. of 1845.
9	"	XIX.,	" ...	Attachment of land in case of succession, ...	...	Fiduciary Duties.	
10	"	XXX., Sec. 2,	" ...	Repressing obstruction in Court of Board of Revenue, Commissioner, or Collector.	...	Revenue Officers.	
11	1842,	XVI.,	" ...	Regarding term for which leases can be granted, ...	...	Settlement, ...	See Regulation L. of 1795. XLVII of 1803. XIV. of 1812. XVIII of 1842.
12	1843,	XIV.,	" ...	Regarding levy of Customs Duty, ...	...	Special and Local Law,	See Act XVI of 1848. XXXVI of 1855. I. of 1860. XVII. of 1861. XXXI. of 1861.
	1844,	...	...	None.			
13	1845,	I.,		Sale of lands for balances of Revenue, ...	...	Collection, ...	See Act I. of 1841. XII. of 1841, Sec. 2.
14	"	" Sec. 10.,	" ...	Exempting estates under Court of Wards, ...	...	Fiduciary Duties, ...	See Regulation LII. of 1803. XII. of 1866.
15	"	VII.,	" ...	Regulating water-rent of canals, ...	...	Special and Local Law,	Act XII of 1866.
16	1846,	VIII.,	" ...	Period of duration of Settlements, ...	...	Settlement.	
17	1847,	I.,	" ...	Establishment and maintenance of boundary-marks, ...	...	Ditto.	
18	1848,	XIII.,	" ...	Limiting period within which awards of Revenue Authorities in Settlement Courts can be contested.	...	Settlement, ...	See Regulation VII. of 1822. IX. of 1825. IX. of 1833.
19	1848,	XVI.,	" ...	Removing restriction on Salt Trade, ...	...	Special and Local Law,	See Act XIII. of 1843.
20	1849,	VI.,	" ...	Protection of pensioners, ...	...	Executive Duties, ...	See Regulation VI. of 1817.
21	1850,	XVIII.,	" ..	Protecting Collectors acting judicially in good faith, ...	...	Revenue Officers.	
22	"	XXXVII.,	" ...	Regulating inquiry into the conduct of public servants,	...	Ditto.	
	1851,	...	...	None.			

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23	1852,	IX.,	General, ...	Annexing Bithour to District of Cawnpore, ...	...	Jurisdiction, ...	See Regulation I. of 1832.
24	1853,	II.,	" ...	Liability of European British subjects, owners and managers of land,	...	Settlement, ...	See Act IV. of 1837.
25	"	XVII.,	" ...	Annexing Khirwee to Banda District, ...	...	Jurisdiction, ...	See Regulation VII. of 1816.
26	1854,	XXVI.,	" ...	Education of male minors, ...	...	Fiduciary Duties, ...	See Regulation LII. of 1803.
27	1855,	XXXVI.,	" ...	Customs Line, ...	...	Special and Local Law,	See Act XIII. of 1843.
28	1856,	XXI.,	" ...	Abkaree, ...	...	Ditto, ...	See Acts XXIII. of 1860. XVI. of 1863.
29	1857,	VI.,	" ...	Acquisition of land for Government purposes, ...	...	Settlement, ...	See Acts II of 1861. XXII. of 1862. XII. of 1866.
30	"	XIII.,	" ...	Opium cultivation, ...	...	Special and Local Law.	
31	1858,	XXXI.,	" ...	Assessment of alluvial land, ...	...	Settlement, ...	See Regulation XI. of 1825.
32	"	XXXV.,	" ...	Custody of landed estates of lunatics, ...	...	Fiduciary Duties, ...	See Regulation LII. of 1803.
33	"	XXXVIII.,	" ...	Transferring Delhi Territory to the Punjab, ...	...	Jurisdiction, ...	See Regulation V. of 1832.
34	"	XL.,	" ...	Custody of landed estates of minors not under the Court of Wards.	...	Fiduciary Duties, ...	See Regulation LII. of 1803.
35	1859,	VIII., (Sec. 67 to 72, & 201).	" ...	Code of Civil Procedure· suits against Government, ...	...	Revenue Officers, ...	See Regln. XI. of 1822, Sec. 38. XIII. of 1829.
36	"	X.,	" ...	Rent Law, ...	...	Special and Local Law,	See Act VIII. of 1835. XIV. of 1863.
37	1860,	I.,	" ...	Customs, ...	...	Ditto, ...	See Act XIV. of 1843.
38	"	XXIII.,	" ...	Abkaree, ...	...	Ditto, ...	See Act XXI. of 1856.

39	"	XXX,	"	...	Removing Koonch and Kalpee from General Regulations.	...	Jurisdiction.		
40	"	XLV.,	"	...	Penal Code: Punishment of certain offences, and laying down certain duties.	...	Revenue Officers.		
41	1861,	II.,	"	...	Acquisition of land for Government purposes, ...	...	Settlement, ...	Act VI. of 1857.	
42	"	XIV.,	"	...	Jurisdiction of the Turrai Pergunnahs, ...	...	Jurisdiction.		
43	"	XVII.,	"	...	Customs, ...	...	Special and Local Law,	Act XIV. of 1843	
44	"	XXV., (Secs. 184, 331, and 329).	"	...	Code of Criminal Procedure, ...	...	Revenue Officers.		
45	"	XXXI.,	"	...	Manufacture of saltpetre, ...	...	Special and Local Law,	Act XIV. of 1843.	
46	1862,	X.,	"	...	Stamps, ...	...	Ditto, ...	Act XVIII. of 1865. XXVI of 1867.	
47	1863,	XII.,	"	...	Jurisdiction of Mahoba and Jeitpore, ...	...	Jurisdiction.		
48	"	XIV.,	"	...	Rent Law, ...	...	Special and Local Law,	Act VIII. of 1835. X. of 1859	
49	"	XVI,	"	...	Abkaree, ...	...	Ditto, ...	" XXI of 1856.	
50	"	XIX.,	"	...	Partition Law, ...	...	Settlement.		
51	"	XX.,	"	...	Religious endowments, ...	...	Fiduciary Duties, ...	Regulation XIX. of 1810.	
52	"	XXII.,	"	...	Acquisition of land by private companies, ...	...	Settlement, ...	Regulation VI. of 1857.	
53	"	XXIII,	"	...	Waste lands, ...	...	Ditto, ...	Regulation VII, of 1822, Sec 8.	
54	1864,	I.,	"	...	Jurisdiction of Poorwa and Khuddee, ...	...	Jurisdiction, ...	Regulation XXII. of 1812.	
55	"	XIX.,	"	...	Jurisdiction of certain villages in Mirzapore District,	...	Jurisdiction.		
56	"	XXIV.,	"	...	Jurisdiction of Jhansie Division, ...	...	Ditto, ...	See Act XVIII. of 1867.	
57	1865,	II.,	"	...	Village Police, ...	...	Settlement, ...	See Act II. of 1866.	
58	"	VII.,	"	...	Government Forest Act, ...	...	Ditto.		
59	"	XVI.,	"	...	Customs, ...	...	Special and Local Law,	See Act XIV. of 1843.	

Serial No.	Year.	Number.	Province	Subject.	Whether Obsolete or not	Class in Classified Lists I. and II.	Remarks.
60	1865,	XVIII,	General, ...	Stamps, ...	...	Special and Local Law,...	See Act X. of 1862 XXVI. of 1867.
61	"	XX.,	" ...	Revenue Agents, ...	...	Revenue Officers.	
62	"	XXIX.,	" ...	Ditto, ...	...	Ditto, ...	See Act XX. of 1865.
63	1866,	II,	" ...	Village Police,	...	Settlement, ...	See Act II. of 1865.
64	"	XII.,	" ...	Acquisition of land for water-courses, ...	...	Ditto, ...	See Regulation VII. of 1845. Act VI. of 1857.
65	1867,	XVIII.,	" ...	Jurisdiction of Jhansie Courts, ...	...	Jurisdiction, ...	See Act XXIV. of 1863. XXVII. of 1867.
66	"	XXI.,	" ...	License Tax, ...	...	Special and Local Law.	
67	"	XXVI.,	" ...	Stamps, ...	...	Ditto, ...	See Act X of 1862. XVII. of 1865.
68	"	XXVII.,	" ...	Jhansie Courts, ...	...	Jurisdiction, ...	See Act XVIII. of 1867.

ALLAHABAD:
Dated 1st November, 1867.

ROBERT CUST,
Member of Board of Revenue,
North-Western Provinces

F.

ABSTRACT

OF

DUTIES IMPOSED ON COLLECTORS BY PENAL CODE

AND

CRIMINAL PROCEDURE CODE.

Section 19.—"Judge" includes Collectors and Deputy Collectors trying suits under Acts X. of 1859 and XIV. of 1863.

Section 21.—"Public servant" includes Collectors and all subordinates.

Sections 77 *and* 78 protect Judges when acting judicially, and officers acting in obedience to an order of a Court of Justice, if acting in good faith.

Sections 154, 155, 156 provide for the punishment of owners or occupiers of land on which an unlawful assembly is held, and of landholders for whose benefit a riot is committed, and of their agents, if they do not take all lawful means in their power for the suppression of such riot.

Chapter IX., which treats of offences by or relating to public servants, applies to all Revenue Officers.

Sections 175, 178, 179, 180, 228.—See Section 163 of Criminal Procedure Code.

Sections 183, 184, 185, 186, 187 provide for the punishment of persons resisting public servants, obstructing sales, omitting to assist public servants when bound to do so, and protect (amongst others) the Tehseeldars' and Nazirs' peons when serving processes, &c., &c.

Sections 189, 190 also protect public servants, by providing for the punishment of persons who threaten them with injury.

Many of the sections in Chapter XI. (false evidence and offences against public justice) relate to offences connected more or less with Revenue. They are—

Section 193, which provides for the punishment of a person giving or fabricating false evidence.

Section 196, ditto of a person corruptly using, or attempting to use as genuine, evidence which he knows to be false or fabricated.

Section 197.—Issuing a false certificate, knowing it to be false.

Section 198.—Corruptly using as a true certificate one known to be false in a material point.

Section 199.—Corruptly making a false statement in any declaration which is by law receivable in evidence.

Section 200.—Corruptly using as true any such declaration, knowing it to be false.

Section 204.—Secreting or destroying or rendering illegible a document, with the intention of preventing the same from being used as evidence in a Court of Justice.

Section 205.—Falsely personating another for the purpose of any act or proceeding in a suit.

Section 206.—Fraudulently removing, concealing, &c., property, to prevent its seizure as a forfeiture or in execution of a decree.

Section 207.—Fraudulently claiming property, to prevent its seizure as a forfeiture, or in execution of a decree.

Section 208.—Fraudulently suffering a decree for a sum not due.

Section 209.—Fraudulently or dishonestly making a false claim in a Court of Justice.

Section 217.—Public servants knowingly disobeying any direction of the law, with intent to save any person from legal punishment, or property from forfeiture.

Section 218.—Public servant framing an incorrect record or writing, with intent to save any person from punishment, or property from forfeiture.

Section 219.—Public servant in a judicial proceeding corruptly or maliciously in a judicial proceeding making any order, decision, &c., which he knows to be contrary to law.

(*N. B.*)—Many of the above-mentioned offences under Chapter XI. are only cognizable in a Criminal Court with the consent of the Court before which the offence is committed.—See Section 169 of the Criminal Procedure Code.

Sections 330, 331 apply to Revenue Officers causing hurt and grievous hurt to landholders for the purpose of compelling them to pay up their arrears of Revenue ; and

Sections 347, 348 to Revenue Officers causing wrongful confinement for the same purpose.

Section 383 would apply to Revenue Officers extorting Revenue, and the extortion might even take the form of robbery (Section 392).

Sections 381 *and* 409 apply to all Revenue Officers or servants for theft or criminal breach of trust.

Section 463 *and following*, relating to forgery —There are some cases in which a prosecution cannot be instituted when the forged document has been filed in evidence, except with the consent of the Court in which it was filed;—for these, see Section 170 of Criminal Procedure Code.

CRIMINAL PROCEDURE CODE.

Section 163 empowers Revenue Courts to inflict a fine of Rs. 200, or imprisonment in the Civil Jail for one month, on persons committing in the view or presence of the Court any of the offences described in Sections 175, 178, 179, 180, and 228 of the Indian Penal Code. If the Court consider the offender to be deserving of more than the above punishment, the Court must record the facts constituting the contempt, and the statement of the accused, and forward the case to a Magistrate, or, if the offender be an European British subject, to a Justice of the Peace, and send the offender on bail, or in custody if sufficient bail be not tendered.

But in all such cases the Court may discharge the offender or remit the fine if the offender submits to the orders of the Court.

Section 167.—Judges cannot be prosecuted without the sanction of the Local Government.

Section 168.—Charges of contempt of the lawful authority of a Revenue Court or public servant employed in the Revenue Department, except offences described in Section 163 of the Criminal Procedure Code, cannot be entertained in a Criminal Court except with the sanction or on the complaint of the Court or public servant concerned, or, if such servant is an inferior ministerial servant, with the sanction or on the complaint of his official superior. This prohibition does not apply to the offences described in Sections 189 and 190 of the Indian Penal Code.

Sections 169 *and* 170.—Offences described in Sections 193, 196, 199, 200, 205, 206, 207, 208, 209, 210, 228, and also in Sections 463, 471, 475, 476 of the Indian Penal Code, can only be entertained in a Criminal Court with the sanction of the Court before which the offence was committed.

In the cases mentioned in Sections 168, 169, 170, the Revenue Court, after making such preliminary enquiry as may be necessary, may send the case for investigation to any Magistrate having power to try or commit for trial. The accused may be sent in custody or on bail. But the Revenue Court, instead of sending the case for investigation to a

Magistrate, may complete the investigation itself, and commit the case itself to the Court of Session, and shall exercise all the powers of a Magistrate.

Section 184.—Attachment of land paying Revenue to Government, when a Magistrate orders the attachment of all property belonging to an absconded person, will be made through the Collector of the district in which the land is situate.

Section 318, *&c.*—In cases when a dispute likely to induce a breach of the peace exists concerning any land, premises, water, fisheries, crops, or other produce of land, the Magistrate shall record a proceeding stating the grounds of his being so satisfied, and call on all parties to appear within a fixed time and give in a written statement of their respective claims as respects the fact of actual possession of the subject of dispute. If satisfied of possession, the Magistrate will make over the subject of dispute to the person in possession; and if not, will attach it, and refer the disputants to the Civil Court. If the subject of dispute is open to the use of the public, the Magistrate may order possession not to be taken to the exclusion of the public until the matter be decided by a competent Court.

Nothing in the above provisions affects the powers of a Collector or Revenue Court.

The following are *exempt* from service as Jurors or Assessors :—

Judges and other Judicial Officers.

Commissioners and Collectors of Revenue.

All persons engaged in the collection of Revenue whom the Collector may exempt on the ground of official duty. Any person convicted by a Revenue Court, under Chapter X. of the Criminal Procedure Code may appeal to the Court to which decrees or orders made by such Court are usually appealable. The petition of appeal must be presented within thirty days.

G.

I—CLASSIFIED LIST

OF

REGULATIONS AND ACTS NOT TO BE REPRINTED.

I.—OBSOLETE.

II —JURISDICTION.

III —SPECIAL AND LOCAL LAWS—

A RENT LAW.
B CANAL LAW.
C. REVENUE-FREE TENURES.
D EXCISE.
E. FAMILY DOMAINS.

I.—OBSOLETE.

	Number.	Year.	Subject.	Remarks.
1	II.,	1795,	Recapitulating, ...	Benares.
2	IV.,	"	Abolishing Sayer, ...	Ditto.
3	XLIII.,	"	Invalid jagheers, ...	Ditto.
4	L.,	"	Leases, ...	Ditto.
5	LI.,	"	Pottahs to ryots, ...	Ditto.
6	LVII.,	"	Commission on resumption, ...	Ditto.
7	XXVI.,	1803,	Sales, ...	Ceded Provinces.
8	XXX.,	"	Pottahs to ryots, ...	Ditto.
9	XLVII.,	"	Settlement, ...	Ditto.
10	I.,	1804,	Invalid jagheers, ...	Ditto.
11	V.,	1805,	Second Settlement, ...	Ditto.
12	IX.,	"	Settlement, ...	Conquered Provinces.
13	XXI.,	1806,	Office of Tehseedars, ...	General.
14	X.,	1807,	Third Settlement, Ceded Provinces, ... Second Ditto, Conquered Ditto, ...	Ceded and Conquered Provinces.
15	V.,	1808,	Settlement, ...	Ditto.
16	XI.,	"	Invalid jagheers, ...	General.
17	II.,	1811,	Ditto, ...	Ditto.
18	V.,	1812,	Undivided holdings, ...	Ditto.
19	IX.,	"	Settlement, ...	Ceded Provinces.
20	X.,	"	Ditto, ...	Conquered Provinces.
21	XIV.,	"	Leases, ...	Ceded and Conquered Provinces.
22	XVIII.,	"	Ditto, ...	Benares.
23	VII.,	1813,	Civil Court Procedure, ...	General.
24	XV.,	"	Office of Dewan, ...	Ditto.
25	I.,	1815,	Istimraree grants, ...	Ditto.
26	XVI.,	1816,	Fifth Settlement, ...	Ceded Provinces.
27	IX.,	1818,	Fourth Setttlement, ...	Conquered Provinces.
28	I.,	1821,	Special Commission, ...	General.
29	I.,	1823,	Ditto, ...	Ditto.
30	IX.,	1824,	Fifth Settlement, ...	Conquered Provinces.
31	II.,	1826,	Sixth Settlement, ...	Ceded Provinces.
32	IV,	"	Special Commission, ...	General.
33	III,	1835,	Ditto, ...	Ditto.

II.—JURISDICTION.

34	IX.,	1804,	Conquered Provinces.	
35	VIII.,	1805,	Ditto.	

	Number.	Year.	Subject.		Remarks.
36	XII,	1806,	Souk, Sousa, and Sahar, in Agra District.		
37	XXII.,	1812,	Bundlecund jaghoers.		
38	VII,	1816,	Khirwee, in Banda District.		
39	XVIII,	"	Handya, in Allahabad District.		
40	IV.,	1817,	Dehra Dhoon.		
41	II,	1818,	Khunda, in Banda District.		
42	XXI,	1825,	Dehra Dhoon.		
43	V.,	1826,	Goverdhun, in Agra District.		
44	V.,	1829,	Dehra Dhoon.		
45	I,	1832,	Bithoor, in Cawnpore District.		
46	V.,	"	Delhi Territory.		
47	XVII.,	1836,	Sirdhana, in Meerut District.		
48	X.,	1838,	Kumaon.		
49	IX.,	1852,	Bithoor, in Cawnpore District.		
50	XVII.,	1853,	Khirwee, in Banda District.		
51	XXXVIII.,	1858,	Delhi Territory.		
52	XXX.,	1860,	Koonch, in Kalpee.		
53	XIV.,	1861,	Turrai Pergunnahs.		
54	XII.,	1863,	Mahoba Jeitpore, in Humeerpore District.		
55	I,	1864,	Poorwa Khundle, in Banda District.		
56	XIX.,	"	Certain villages in Mirzapore District.		
57	XXIV.,	"	Jhansie Division.		
58	XVIII.,	1867,	Jhansie Cantonments.		

III.—SPECIAL AND LOCAL LAWS

A

59	VIII.,	1835,	Sale of under-tenures,	...	General.
60	X.,	1859,	Rent Law,	...	Ditto.
61	XIV.,	1863,	Ditto,	...	Ditto.

B.

62	VII,	1845,	Canal Law,	...	General.
63	XII,	1866,	Ditto,	...	Ditto.

C.

64	XLI.,	1795,	Revenue-free tenures,	...	Benares.
65	XLII,	1795,	Ditto,	...	Ditto.
66	XXXI.,	1803,	Ditto,	...	Ceded and Conquered Provinces.
67	XXXVI.,	"	Ditto,	...	Ditto.
68	VII.,	1808,	Registers of Revenue-free tenures,	...	General.
69	II,	1819,	Detailed procedure,	...	Ditto.

	Number.	Year.	Subject.		Remarks.
70	IX., Sec. 5,	1825,	Detailed procedure,	...	General.
71	XIV.,	"	Detail of authority,	...	Ditto.
72	III.,	1828,	Special Commission,	...	Ditto.
73	IV.,	1829,	Modification,	...	Ditto.
			D.		
74	II.,	1800,	Stone-quarries' duty,	...	Benares.
75	XIV.,	1843,	Customs and Salt,	...	General.
76	XVI.,	1848,	Ditto,	...	Ditto.
77	XXXVI.,	1855,	Ditto,	...	Ditto.
78	XXI.,	1856,	Abkaree,	...	Ditto.
79	XIII.,	1857,	Poppy cultivation,	...	Ditto.
80	I.,	1860,	Customs,	...	Ditto.
81	XXIII.,	"	Abkaree,	...	Ditto.
82	XVII.,	1861,	Customs,	...	Ditto.
83	XXXI.,	"	Saltpetre,	...	Ditto.
84	X.,	1862,	Stamps,	...	Ditto.
85	XVI.,	1863,	Abkaree,	...	Ditto.
86	XVII.,	1865,	Customs,	...	Ditto.
87	XVIII.,	"	Stamps,	...	Ditto.
88	XXVI.,	1867,	Ditto,	...	Ditto.
89	XXI.,	"	License Tax,	...	Ditto.
			E.		
90	V., Sec. 8,	1795,	Benares Family Domains,	...	Benares.
91	XV., Sec. 3,	"	Ditto ditto,	...	Ditto.
92	VII.,	1828,	Ditto ditto,	...	Ditto.

ALLAHABAD:
The 1st November, 1867.

ROBERT CUST,
Member of Board of Revenue, N. W. P.

H.

II.—CLASSIFIED LIST

OF

REGULATIONS AND ACTS TO BE REPRINTED.

I.—REVENUE OFFICERS—

A. Constitution of Offices.
B. Legal Liabilities.
C. Local and Village Officers.
D. Penalties of Misconduct.

II.—SETTLEMENT—

A. Settlement.
B. River Boundaries.
C. Waste Lands.
D. Acquisition of Lands.
E. Partitions.

III.—COLLECTIONS—

A. Collections.
B. Tuccavee.

IV.—RECORD AND REGISTRATION.

V.—FIDUCIARY DUTIES—

A. Wards.
B. Civil Courts.
C. Nuzzool.

VI.—EXECUTIVE DUTIES—

A. Pensions.
B. Supplies.

[N. B.—*In the Reprint all Repealed Portions are to be Omitted.*]

I.—REVENUE OFFICERS.

A.—Constitution of Offices.
B.—Legal Liabilities.
C.—Local and Village Officers.
D.—Penalties of Misconduct.

	Number.	Date.	Section.	Subject.	Remarks
				A.	
1	V.,	1795,	...	Collector, ...	Benares
2	XXV,	1803,	Secs. 2 to 28, ...	Ditto, ...	Ceded Provinces.
3	V,	1804,	...	Appointment and removal of native officers.	Ditto.
4	VIII.,	1809,	...	Native officials, ...	General.
5	XVIII.,	1817,	...	Solemn declaration, ...	Ditto.
6	XXIV,	"	Sec. 5, ...	Single Member of Board, ...	Ditto.
7	IV,	1821,	...	Power of Collectors and Assistants,	Ditto.
8	III.,	1822,	...	Board of Revenue, ...	Ditto.
9	I.,	1829,	...	Commissioner and Sudder Board,	Ditto.
10	III.,	"	Sec 6, ...	Copyists, ...	Ditto.
11	X,	1831,	...	Sudder Board, ...	Ditto.
12	I.,	1833,	...	Ditto, ...	Ditto.
13	XXI,	1837,	...	Declaration for oath, ...	Ditto.
14	XXX.,	1841,	...	Repressing obstruction in offices,...	Ditto.
15	XVIII.,	1850,	...	Protecting Collectors when in good faith.	Ditto.
				B.	
16	XI.,	1822,	Sec. 38, ...	Government not liable for errors of Courts. ...	General.
17	XIII,	1829,	...	Board made Legal Remembrancer,	Ditto.
18	VIII.,	1859,	Secs 67 to 72, & 201.	Suits against Government, ...	Ditto.
				C.	
19	IV,	1808,	...	Canoongoes.	
20	XII.,	1817,	...	Putwarees.	
21	I.,	1819,	Sec. 4, Clause 5,	Reserving to Board power to alter duties of Canoongoe.	
22	XX.,	1865,	...	Revenue Agents.	
23	XXIX.,	"	...	Ditto.	
				D.	
24	XLVIII.,	1795,	...	Prohibiting lending money, ...	Benares.
25	XIX.,	1803,	...	Ditto, ...	Ceded Provinces.

	Number.	Date.	Section.	Subject	Remarks
26	XXXIII,	1803,	...	To prevent embezzlement and with holding papers	
27	II.,	1813,	...	To prevent native officers using public money	
28	XXI,	1814,	...	Forbidding the employment of creditors	
29	VIII.,	1823,	...	Prohibiting loans by public officers.	
30	XXXVII.,	1850,	...	Inquiry into conduct of public officers	
31	XLV,	1860,	...	Penal Code—certain offences, certain duties of Revenue Officers.	No copy made of the Code.
32	XXV.,	1861,	Secs 184, 321, and 329.	Code of Criminal Procedure, ...	Ditto

II.—SETTLEMENT.

A.—SETTLEMENT.
B.—RIVER BOUNDARIES.
C.—WASTE LANDS.
D.—ACQUISITION OF LAND.
E.—PARTITION.

				A.	
33	I.,	1795,	...	Perpetual Settlement, ..	Benares.
34	XXVII,	"	...	Ditto ditto, ...	Ditto
35	XXV.,	1803,	Secs. 29 to 39,	Settlement, ...	Ceded Provinces.
36	VII.,	1822,	...	Mode of Procedure, ..	General.
37	IX,	1825,	...	Ditto ditto.	
38	XIII.,	1825,	Sec. 5, ...	Resumed Revenue assignments.	
39	IV,	1828,	...	Period of Collectors powers	
40	IX.,	1833,	...	Amending VII. of 1822.	
41	IV,	1837,	...	Allowing Europeans to hold land.	
42	XVI.,	1842,	...	Term of leases.	
43	VIII,	1846,	...	Duration of Settlement.	
44	I.,	1847,	...	Boundary maps.	
45	XIII,	1848,	...	Limitation of suits to dispute awards.	
46	II.,	1853,	...	Liability of Europeans holding land.	
47	II,	1865,	...	Village Police.	
48	VII,	"	...	Forest Law	
49	II.,	1866,	...	Village Police.	
				B	
50	XI,	1825,	...	Law of river boundaries.	
51	XXXI.,	1858,	...	Assessment of alluvial increments,	General.
				C.	
52	XXIII.,	1863,	...	Grants of waste lands,	Ditto.

	Number.	Date.	Section.	Subject.	Remarks.
				D.	
53	VI.,	1857,	...	Acquisition of Lands for Government purposes.	General.
54	II.,	1861,	...	Amending above, ...	Ditto.
55	XXII.,	1863,	...	Acquisition of land by private Companies for purposes of public utility.	Ditto.
56	XII.,	1866,	...	Ditto ditto ditto for water-courses.	Ditto.
				E.	
57	XIX.,	1863,	...	Partitions, ...	Ditto.

III.—COLLECTIONS.

A.—Collection. B.—Tuccavee.

				A.	
58	VI.,	1795,	...	Collection of Revenue, ...	Benares.
59	V.,	1800,	Secs. 22 to 28,	Authority, attachment, and sale of personalty.	Ditto.
60	I.,	1801,	...	Further provisions, ...	Ditto.
61	XXVII.,	1803,	...	Collection of Revenue, ...	Ceded Provinces
62	VII.,	1807,	...	Huzoor Tehseel, ...	General.
63	XI.,	1822,	Sec. 36, ...	Management of estates purchased by Government.	Ditto.
64	IX.,	1825,	Sec. 4, ...	Form for balances.	
65	I.,	1841,	...	Default of Putteedars.	
66	XII.,	"	...	No interest on arrears.	
67	I.,	1845,	...	Sale for balances.	
				B.	
68	XLVI.,	1795,	...	Tuccavee advances, ...	Ceded Provinces.
69	XLIV.,	1803,	...	Ditto, ...	Ditto.
70	VI.,	1806,	...	Ditto, ...	Ditto.

IV.—RECORD AND REGISTRATION.

71	VIII.,	1795,	Sec. 4, ...	Copy of decree to be sent to Collector.	Benares.
72	LVIII.,	"	Sec. 3 and 4, ...	Ditto ditto, ...	Ditto.
73	XIX.,	"	...	Quinquennial Register, ...	Ditto.
74	XXX.,	"	...	Record-room, ...	Ditto.
75	XV.,	1797,	...	Levying of fees, ...	Ditto.
76	VIII.,	1800,	...	Pergunnahwar Register, ...	Ditto.
77	III.,	1803,	Sec. 11, Clause 2,	Judge to send copies, ...	Ditto.
78	XXIII.,	"	...	Records, ...	Ceded Provinces.
79	XLII.,	"	...	Registers, ...	Ditto.

V.—FIDUCIARY DUTIES.

A.—Wards. B.—Civil Courts. C.—Nuzzool.

	Number.	Date.	Section.	Subject.	Remarks.
				A.	
80	LII.,	1803,	...	Court of Wards, ...	Ceded Provinces.
81	VIII.,	1805,	Sec. 29, ...	Ditto, ...	Conquered Provinces.
82	III.,	1818,	Secs. 9 and 10,	Attachment by order of Government.	General.
83	VI.,	1822,	...	Court of Wards, ...	Benares.
84	VII.,	"	Sec. 3, ...	Attachment by order of Government. public tranquility.	General.
85	I.,	1845,	Sec. 10, ...	Exempting from sale, ...	Ditto.
86	XXVI.,	1854,	...	Education of wards.	
				B.	
87	VIII.,	1795,	Secs. 5 to 7, ...	Forfeiture, ...	Benares.
88	X.,	"	Secs. 6 and 7,...	Ditto, ...	Ditto.
89	III.,	1803,	Sec. 23, ...	Ditto, ...	Ceded Provinces.
90	V.,	"	Sec. 24, ...	Ditto, ...	Ditto.
91	V.,	1827,	...	Management of attached estates by Collectors.	General.
92	XIX.,	1841,	...	Attachment in case of succession,	Ditto.
93	XXXV.,	1858,	...	Lunatics, ...	Ditto.
94	XL.,	"	...	Minors, ...	Ditto.
95	XIX.,	1810,	...	Custody of property, ...	Ditto.
96	V.,	1817,	...	Hidden treasure, ...	Ditto.
97	XX.,	1863,	...	Religious endowments.	

VI.—EXECUTIVE DUTIES.

A.—Pensions. B.—Supplies.

				A.	
98	XXXIV.,	1795,	...	Pensions, ...	Benares.
99	XXIV.,	1803,	...	Ditto, ...	Ceded Provinces.
100	XXII.,	1806,	...	Modifying rules, ...	General.
101	XI.,	1813,	...	Ditto, ...	Ditto.
102	VI.,	1817,	...	Interference of Civil Courts, ...	Ditto.
103	VI.,	1849,	...	Ditto ditto, ...	Ditto.
				B.	
104	II.,	1806,	...	March of troops, ...	Ditto.
105	III.,	1820,	...	Prohibiting forced labor, ...	Ditto.
106	VI.,	1825,	...	Supplies for troops, ...	Ditto.

ROBERT CUST,
Member, Board of Revenue,
N. W. Provinces.

Allahabad:
The 1st November, 1867.

THE

LAND REVENUE LAW OF THE N. W. P.

CHAPTER I.—REVENUE OFFICERS.

A. Constitution of Offices.
B. Legal Liability.
C. Local and Village Offices.
D. Penalties of Misconduct.

A.—CONSTITUTION OF OFFICES.

A. D 1795.—REGULATION V.: CHAPTER I

A REGULATION PRESCRIBING RULES FOR THE CONDUCT OF THE COLLECTOR OF THE PUBLIC REVENUE IN THE PROVINCE OF BENARES.

I. The following rules are prescribed for the guidance of the Collector of the Public Revenue in the Province of Benares:—

II *First*,—The collection of the Public Revenue, whether arising from the Customs, or the Lands, or other source, is to be committed to one Covenanted Civil Servant of the Company, who is to be styled, in his capacity of Collector of the Customs, "Collector of the Customs in the Province of Benares," and in his capacity of collector of the Land and other Revenues, exclusive of the Customs, "Collector of the Revenue in the zillahs and places in the Province of Benares"

Second,—As collector of the Customs, the Collector, previous to entering upon the execution of the duties of his office, is to take and subscribe an oath similar to that prescribed to the Collector of the Government Customs at Mangee in Section 3, Regulation XLII., 1793.

Third,—As Collector of the Land and other Revenues, exclusive of the Customs, he is to take and subscribe the oath prescribed by Act of Parliament for servants of the Company employed in the collection of the Revenue.

III. *First*,—In his capacity of Collector of the Customs the Collector is to conform to Regulation III., 1795, and such other regulations relating to his office as may be printed and published in the manner prescribed in Regulation XLI., 1793;

CHAPTER I.

and is to correspond with and obey all orders which he may receive from the Board of Trade or the Governor-General in Council.

Second,—As Collector of the Land and other Revenues, exclusive of the Customs, he is to correspond with and obey all orders which may be transmitted to him by the Board of Revenue and the Governor-General in Council, and is to conform to the rules contained in the following sections.

IV. The Collector is to use a circular seal, one inch and a half in diameter, with an inscription to the following effect, in the Persian character and language, and the Hindoostanee language and Nagree character,—" The Seal of the Collector of Benares."

V. The Collector is to keep a regular diary of his official transactions, either in the English, Persian, or Hindoostanee languages, recording and attesting them with his official signature at the time they may take place.

VI. The duties prescribed in the following sections are to be performed by the Collector, under the superintendence of the Board of Revenue.

VII. *First*,—To collect the amount of the fixed Revenue assessed upon the lands of the Talookdars, Zemindars, Putteedars, distinct, or common, or other actual proprietors of land.

Second,—To collect the stipulated annual Revenue from the farmers of estates let in farm.

Third,—To collect the public dues from estates held *amaunee* (estates for the payment of the Revenue of which no settlement has been concluded or may subsist.)

Fourth,—To make the future settlement of *amaunee* and farmed estates agreeably to the Regulations and the instructions which he may receive for that purpose: observing it as a general rule, in forming the settlement of all lands held *amaunee*, that the public Revenue to be paid to Government is to be fixed according to the actual *jydaad* (or existing funds) arising from the lands in cultivation, after deducting ten per cent. from such funds for the charges of management and the profits of the party with whom the settlement may be made, and adding, where there is much uncultivated ground within the limits of the lands to be included in the settlement, a moderate *russud* (or progressive increase) for the four or five

first years of it. The settlement of lands let in farm, to be made on the death of the farmer, will regard only the determination respecting the person who is to succeed to the lease, and is not to affect the amount of the public Revenue assessed on the lands included in the lease, which in all farmed estates is to continue unalterable as it may have been fixed by the rules regarding the permanent settlement concluded in, or subsequent to, the Fussily year 1197. But if the parties entitled to re-enter into possession as Zemindars, on the avoidance of the lease of any farmer under the operation of Section 3, Regulation I., 1795, shall not accept of reinstatement on condition of paying the existing fixed *jumma*, they shall not be entitled to be restored in future, unless they agree to the payment of a *jumma* to be adjusted agreeably to the rules above prescribed for forming the settlement of *amauner* lands in general, or such other conditions as shall be prescribed by the Governor-General in Council.

Fifth,—To prosecute for the recovery of the dues of Government from lands, of whatever description, held exempt from the payment of Revenue under illegal or invalid tenures.

Sixth,—To pay the pensions and allowances included in, or chargeable on, the public Revenue, inclusive of those granted in lieu of former charitable assignments on the abolished *sayer*, according to the separate Regulation for those purposes.

Seventh,—To execute the instructions of the Court of Wards regarding disqualified landholders and their estates, whenever the jurisdiction of that Court shall be extended to Benares.

Eighth,—To superintend the division of, and to apportion the *jumma* on, landed property paying Revenue to Government, which, whether from private sale, donation, or otherwise, from being joint and undivided, may become separated into two or more distinct estates in conformity to Regulations XXV., 1793, and XXVI., 1795, and Section 7, Regulation XXVII., 1795.

Ninth,—To apportion the Revenue on any part or parts of estates, ordered to be disposed of by public sale for the discharge of arrears of Revenue, agreeably to the principles prescribed in Section 7, Regulation XXVII., 1795.

Tenth,—To collect the tax on spirituous liquors and intoxicating drugs or articles, and the tax of *ghur dewarry* or *khanah shoomary*, according to the separate Regulation for that purpose.

CHAPTER I.

Eleventh,—To procure lands for the native invalid soldiers, who, on taking a discharge from the service or otherwise, may accept of a provision in land.

Twelfth,—To perform the above, and all other duties, according to the rules that have been or may be prescribed to him by any Regulation published in the manner directed in Regulation XLI., 1793.

Thirteenth,—To transmit such annual, monthly, or other accounts as were furnished by the late Resident, or as may be hereafter required to be sent by the Board of Revenue or any officer under that Board empowered to require such accounts.

Fourteenth,—To conform to all special orders that may be issued to him by the Board of Revenue, or by public officers empowered to issue such orders.

VIII. On complaints being preferred by any of the Malgoozars and Ryots of the Raja's family *zemindaree* of Gungapoor and of his *jagheers* of Budhoee and Kera Mungrore, the Collector is to cause redress to be afforded to the complainants in the manner pointed out in the agreement concluded between the Raja and the Resident on the 27th of October, 1794, as prescribed in Section 3, Regulation XV., 1795: corresponding on such matters, when necessary, immediately with the Governor-General in Council.

IX. The Serishtadar (who is henceforward to be denominated the Dewan) and all native officers under the Collector are to act agreeably to his orders, and such rules as he may prescribe. They are not to perform any act of authority without his sanction, under pain of being fined in a sum not exceeding six months' salary or of being dismissed from their offices by the Collector, the Board of Revenue, or the Governor-General in Council, and also of being sued in the Court of Judicature for damages by any person who may consider himself aggrieved by such unauthorized act.

X. The Collector is prohibited from employing, directly or indirectly, his private servants, whether banyans or others, in the discharge of any part of his public duties, it being required in all matters relating to the trust committed to him that he act as the only empowered agent of Government. This prohibition, however, is not meant to restrict him from occasionally employing his Assistants, or Dewan, or his inferior public ser-

vants, in the cases and in the manner in which he is authorized to make use of their agency.

XI. The Khezanchee, or native cash-keeper, at Benares is to act under the orders of the Collector, who is to report to the Board of Revenue all instances in which he may have cause of complaint against the Khezanchee or his agents. The Khezanchee is not to be removed from his office without the sanction of the Governor-General in Council.

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XIII. The appointment and dismission of all native public officers on the establishment of the Collectorship, the Keepers of the Records and the Khezanchee excepted, are vested in the Collector; but he is to transmit to the Board of Revenue regular notice of all appointments and removals, and is to employ none but such public and registered officers in matters in any respect relating to his official duty, and is not, under any plea or pretext, to confer on his public officers any private trust relating to his personal concerns.

XIV. In the event of the death or removal of the Collector, or of his absence from his station, the Senior Assistant on the spot is to perform the duties of Collector; and the Dewan and the public officers of the Collectorship are accordingly to obey his orders.

XV. No Collector, Assistant, or Dewan to a Collector, nor any native in the employ of a Collector or of an Assistant, shall hold, directly or indirectly, any farm, or be concerned on his private account, in the collection or payment of the Revenue of any lands in the province, either as farmer, surety, or otherwise; and native officers, and private servants and dependents of Collectors and Assistants, are prohibited from purchasing, directly or indirectly, any land which the Collector may dispose of at public sale, under the penalty of forfeiting the property to Government upon proof being made to the satisfaction of the Governor-General in Council of the property having been so purchased.

XVI. The rules in the preceding Section, however, are not to be considered to prohibit a Dewan or other native officer of a Collector, or any private servant of a Collector or of an Assistant, from purchasing *bonâ fide* the proprietary right in lands situated in the zillah by private sale.

XVII. No Collector shall give land in farm to a European, directly or indirectly, or accept the security of a European for any Zemindar, Farmer, or Ryut.

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XVIII. No Collector, Assistant, or Dewan shall, directly or indirectly, carry on any trade or be concerned in any commercial transaction whatever. This prohibition with regard to the Collector and his Assistants is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the Provinces of Benares, Bengal, Behar, or Orissa, for the purpose of remitting money to Europe.

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XX. The Collector is to be careful that the accounts and records are kept complete, and duly preserved.

XXI. The Collector is not to employ sepoys in the collection of the Public Revenue.

XXII. The Collector is not to advance any money on account of *tuccavee* without the express sanction of the Board of Revenue.

XXIII. The Collector is to give monthly receipts, under the joint attestations of himself and of the Raja, for all payments of Revenue into the treasury, specifying the date or dates on which the money may be received, and the species of rupee in which each payment may be made. The keepers of the native records, are to keep a Register of these receipts, regularly numbered. After having registered the receipts, they are to attest on the face of them the date on which they may be registered. A copy of this register is to be transmitted monthly to the Board of Revenue, or as often as that Board may require. A similar Register of Receipts is to be kept by all Tehsildars, Sezawuls, or other native officers entrusted with the immediate collection of the Public Revenue; and a copy of it is to be transmitted to the Collector monthly, or as often as he may require.

XXIV. The monthly or other receipts for salaries, pensions, or allowances of whatever kind which may be paid by the Collector are to be deposited amongst the public records, and a register of them is to be kept by the keeper of the native records. A copy of the register is to be transmitted annually to the Board of Revenue.

XXV. To prevent loss of Revenue or confusion in accounts from the resignation or removal of the Collector, no Collector is to be permitted to depart from his station until he shall have either delivered over complete charge of his trust to his successor or to his Assistant, and until notification shall have been made to the Board of Revenue of his having

complied with this rule, and their sanction shall have been obtained for his departure. This rule shall on no account be dispensed with, unless by special permission from the Board of Revenue, which is to be granted only in particular cases that may appear to them to require it.

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XXVII. The Board of Revenue are to be careful that the Collector performs his assigned duties, for which purpose they are vested with the same powers over him as they possess over the Collectors in the other three provinces by Regulation II., 1793; and they may accordingly summon him to the Presidency to explain and justify his conduct, or suspend him from his office, or fine him in the manner and under the reservation set forth and provided in clauses 1st, 2nd, 3rd, and 4th, Section 31, of that Regulation.

XXVIII. The Collector may depute his Assistant to make occasional local enquiries into the causes of balances or deficiencies in the Revenue; but he is forthwith to advise the Board of Revenue of such deputations, and to conform to the instructions with which they may furnish him.

XXIX. The Board of Revenue are vested with the same authority in respect to requiring the attendance of natives concerned in the Revenues as they are empowered to exercise in Bengal, Behar, and Orissa, by Section 33, Regulation II., 1793, under the rules and restrictions therein specified.

XXX. The Board of Revenue are empowered to issue orders to their subordinate officers for making the settlement of lands that are or may be held *amaunee*, in conformity to the Regulations and any special instructions which may be prescribed to them by the Governor-General in Council.

XXXI. In all cases of a settlement being made with or on behalf of Talookdars, Zemindars, Putteedars, or other actual proprietors of land, their lands are to be declared in their engagements to be responsible for the payment of the Revenue; besides which a *maalzamin* (or surety) for the punctual discharge of the Revenue is to be invariably required.

XXXII. It is to be observed as a general principle that the settlement of lands that are or may be *amaunee* is to be made by the Collector, under the Regulations and the instructions of the Board of Revenue. But if the Board should deem a special deputation of one of their members, or of any other per-

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son, necessary to form the settlement of any such lands, they are to propose the measure to the Governor-General in Council, with their reasons for recommending it.

XXXIII. Upon a settlement being concluded with any proprietor or farmer conformably to the Regulations, the Collector is to receive from him the usual *kabooleat*, and to sign and deliver the *pottah* in conformity thereto, after it shall have been attested by the seal and signature of the Raja, in pursuance of the agreement to that effect concluded between the Raja and the Resident, under date the 17th of October, 1794.

XXXIV. The collection of the Revenues is committed to the Collector; but the Board of Revenue are to see that the Revenues are realized by the stipulated periods, or that solid and satisfactory reasons are assigned by the Collector for any delay or deficiency. The power of coercion over the proprietors and farmers of land is also vested in the Collector, as prescribed in Regulation VI., 1795.

XXXV. In cases in which, since the conclusion of the settlement, the rivers may have carried away so much of the ground included in the engagements of any Zemindar or farmer as to disable him from paying the stipulated Revenue, the Collector, after minute enquiry, is to report the circumstances, and the amount of the deficiency thereby occasioned, to the Board of Revenue, through whom the orders of the Governor-General in Council will be issued to the Collector for affording such relief to the party or parties as may appear necessary.

XXXVI. The Board of Revenue are authorized to grant advances of *tuccavee* to proprietors or farmers of land, where it shall appear essentially necessary, in proportions not exceeding five per cent. on the Revenue payable from the lands to Government, reporting all such instances to the Governor-General in Council. Where a larger sum may be required, his sanction to the advance must be previously obtained. The interest to be taken on such advances is to be one per cent. per mensem.

A. D. 1803.—REGULATION XXV.:

A REGULATION PRESCRIBING RULES FOR THE CONDUCT OF THE BOARD OF REVENUE AND THE COLLECTORS.

WHEREAS it is necessary that rules should be prescribed for the guidance of the Collectors and the Board of Revenue in the collection, management, and control of the

Public Revenue in the provinces ceded to the Honorable the English East India Company by the Nawab Vizier:—

II. The collection of the Revenue payable to Government from the estates in each zillah shall be committed to a Civil Covenanted Servant of the Company, who shall be styled Collector of the Revenue of the zillah to which he shall be appointed. Previously to entering upon the execution of the duties of his office, he shall take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the Revenue, before one of the Judges of the Supreme Court of Judicature, or before such other person as the Governor General in Council shall authorize to administer the same.

III. The Collectors shall correspond with the Board of Revenue, and shall conform to all instructions with which they have been or shall be furnished by that Board, and which shall not be contrary to this or any other Regulation published in the manner directed in Regulation I., 1803.

IV. The Collectors of the several zillahs shall use a circular seal, one inch and a half in diameter, bearing an inscription thereon to the following effect in the Persian character and language, and in the Hindustanee language and Nagree character,—" The Seal of the Collectors of the zillah of————."

V. The Collectors shall keep a regular diary of their official transactions, either in the English, Persian, or Hindustanee language, recording and attesting them with their official signature at the time they may take place.

VI. The duties prescribed in the following section, shall be performed by the Collectors, under the superintendence of the Board of Revenue.

VII. *First*,—To collect the amount of the Revenue assessed upon the lands of the Zemindars, independent Taloukdars, or other actual proprietors of land with or on behalf of whom a settlement has been or shall be concluded.

Second,—To collect the stipulated annual Revenue from the farmers of estates let in farm.

Third,—To levy the rents and Revenue from estates held *khas* or *amaunee*.

Fourth,—To make the future settlement of *khas* or of farmed estates agreeably to the Regulations and the instructions which they shall receive for that purpose.

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Fifth,—To prosecute for the recovery of the dues of Government from lands of whatever description held exempt from the payment of Revenue under illegal or invalid tenures.

Sixth,—To pay the pensions and allowances included in, or chargeable on, the Public Revenue, and all other pensions and compensations which shall be granted or confirmed under Regulation XXIV., 1803.

Seventh,—To execute the instructions which shall be issued to them by the Court of Wards regarding disqualified landholders and their estates.

Eighth,—To superintend the division of landed property paying Revenue to Government which shall be ordered to be divided into two or more distinct estates.

Ninth,—To apportion the Public Revenue on lands ordered to be disposed of at public sale for the discharge of arrears of Revenue, or in satisfaction of the decrees of the Court of Judicature.

Tenth,—To collect the tax on spirituous liquors and intoxicating drugs or articles, and the duties levied in *bazaars* and *gunjes*, under Regulation XXXVIII., 1803.

Eleventh,—To obtain lands for the native invalid soldiers, to whom a provision in land shall be assigned on being discharged from the service or otherwise.

Twelvth,—To perform the above and all other duties according to the rules which have been or shall be prescribed to them by any Regulation published in the manner directed in Regulation I., 1803.

Thirteenth,—To transmit such annual, monthly, or other accounts as they now furnish or shall be hereafter required to send by the Board of Revenue or any officer under that Board empowered to require such accounts.

Fourteenth,—To conform to all special orders which have been or shall be issued to them by the Board of Revenue or by public officers empowered to issue such orders.

VIII. The Dewan and all other native officers under the Collector shall act agreeably to his orders, and to such rules as he shall prescribe. These officers shall not perform any act of authority without the sanction or authority of the Collector, under pain of being fined in a sum not exceeding six

months' salary, or of being dismissed from their offices by a competent authority, and also of being sued in the Court of Judicature for damages by any person who shall consider himself to be aggrieved by such unauthorized act.

IX. The Collectors are prohibited from employing, directly or indirectly, their private servants, whether *banyans* or others, in the discharge of any part of their public duties, it being required that the Collectors, in all matters relating to the trust committed to them, shall act as the only empowered agents of Government. This prohibition, however, is not meant to restrict the Collectors from occasionally employing their Assistants, or Dewans, or their inferior public servants, in the cases and in the manner in which they shall be specially authorized to make use of their agency.

X. The Khezanchee, or native cash-keeper, in each zillah shall be nominated by the Collector, who shall take good and sufficient security from him for the faithful discharge of his trust, and for making good all deficiencies in the public money which may be committed to his charge. The Collector shall transmit the name of the person whom he shall nominate to the office of Khezanchee, and of his surety, with a copy of the engagements executed by the latter, to the Board of Revenue; but the person so nominated shall not be considered to be appointed until the Board of Revenue shall have signified the approbation of the Governor-General in Council both of the cash-keeper and his surety. The native cash-keeper so appointed shall not be removed but for misconduct or other sufficient cause, proved to the satisfaction of the Governor-General in Council; and the cash-keeper and the Collector, jointly and severally, shall be held responsible to Government for the public money committed to their charge.

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XII. The Collectors are prohibited from employing any persons excepting public and registered officers in matters in any respect relating to their official duty, and shall not, under any plea or pretext, confer on their public officers any private trust relating to their personal concerns.

XIII. In the event of the death or removal of a Collector, or of his absence from his station, and when no other person shall have been appointed thereto, the Senior Assistant on the spot shall perform the duties of Collector, and the Dewan and the public officers of the Collectorship shall accordingly obey his orders.

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XIV. No Collector, Assistant, or Dewan to a Collector, nor any native in the employment of a Collector or of an Assistant, shall hold, directly or indirectly, any farm, or be concerned on their private account in the collection or payment of the Revenue of any lands in the zillah, either as farmer, surety, or otherwise; and native officers and private servants, and dependents of Collectors and Assistants are prohibited from purchasing, directly or indirectly, any land which the Collector shall dispose of at public sale, under the penalty of forfeiting the property to Government, upon proof being made to the satisfaction of the Governor-General in Council of the property having been so purchased.

XV. The rules in the preceding section, however, shall not be considered to prohibit a Dewan or native officer of a Collector, or any private servant of a Collector or of an Assistant, from purchasing *bonâ fide* the proprietary right in lands situated within the zillah by private sale.

XVI. No Collector shall, directly or indirectly, give land in farm to a European, or accept the security of a European, for any Tehsildar, Zemindar, Farmer, Dependent, Talookdar, or Ryot.

XVII. No Collector, Assistant, or Dewan shall, directly or indirectly, carry on any trade or be concerned in any commercial transaction whatever. This prohibition, with regard to Collectors and their Assistants, is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the British dominions subject to the immediate Government of the Presidency of Fort William for the purpose of remitting money to Europe.

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XIX. The Collectors shall be careful that the accounts and records of their respective zillahs are kept complete, and duly preserved.

XX. To render the several zillahs as compact as possible, the Collectors shall report every instance in which lands included in their respective zillahs shall be circumscribed by any other zillah; and also where lands included in other zillahs are circumscribed by their own zillahs, in order that such lands may be annexed to the zillah by which they are circumscribed.

XXI. The Collectors shall not employ sepoys in the collection of the Public Revenue.

XXII. Collectors shall not advance money, on account of *tuccavee* without the express sanction of the Board of Revenue.

XXIII. The Collectors are prohibited from deputing any person into the zillah of any other Collector, or exercising any authority beyond the limits of their respective zillahs, excepting in cases in which they shall be authorized so to do by a Regulation, published in the manner directed in Regulation I., 1803, or by especial orders from a competent authority.

XXIV. The Collectors shall grant monthly receipts for all payments of Revenue made into their treasuries, specifying the date or dates on which the money shall have been received, and the species of rupee in which each payment shall have been made. The keepers of the native records shall keep a register of these receipts regularly numbered; and, after having registered the receipts, they shall attest on the face of them the date on which they shall have been registered. A copy of this register shal lbe transmitted monthly to the Board of Revenue, or as often as that Board shall require. A similar register of receipts shall be kept by all Tehsildars, Sezawuls, or other native officers entrusted with the immediate collection of the Public Revenue, and a copy of such register shall be transmitted to the Collector monthly, or as often as he shall require.

XXV. The monthly or other receipts for salaries, pensions, or allowances of whatever kind which shall be paid by the Collectors shall be deposited among the public records of their respective zillahs, and a register of such receipts shall be kept by the keepers of the native records. A copy of the register shall be transmitted annually to the Board of Revenue.

XXVI. To prevent loss of Revenue or confusion in accounts from the resignation or removal of Collectors, no Collector shall be permitted to depart from his station until he shall have either delivered over complete charge of his trust to his successor or to his Assistant, and until notification shall have been made to the Board of Revenue of his having complied with this rule, and the sanction of that Board shall have been obtained for his departure. This rule shall on no account be dispensed with unless by special permission from the Board of Revenue, which is to be granted only in particular cases appearing to them to require such dispensation.

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XXVIII. The superintendence of the Settlement and collection of the Public Revenue payable from the lands, and of all other duties committed to the Collectors, is vested in the Board of Revenue.

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A D., 1804.—REGULATION V.:

A REGULATION TO PROVIDE FOR THE APPOINTMENT AND REMOVAL OF THE NATIVE OFFICERS OF GOVERNMENT IN THE REVENUE DEPARTMENT.

For the purpose of ensuring a faithful, diligent, and able discharge of the important duties assigned to the native officers who are employed on the part of Government in the several public offices of the Judicial, Revenue, and Commercial Departments, and in the Departments of Salt, Opium, and Customs, it is essential that those officers (with an exception of the Naib Nazirs, Mirdahs, Peons, and Burkundazes, and similar descriptions of public servants who are nominated and removed upon sufficient cause by their immediate superiors, under the responsibility of the latter for their good conduct,) should be secured in the possession of their respective offices whilst they discharge the duties assigned to them with diligence, ability, and integrity; that the persons appointed to fill all vacancies in such offices should be selected with due regard to their characters and qualifications; and that they should not be liable to removal from their appointments without proof of their incapacity or misconduct. These objects have been in part provided for by the rules in force concerning the appointment and removal of the law officers of the Courts of Justice, the Cauzy-ul-Cuzaut and Cauzies of the towns, cities, and pergunnahs, and the native officers appointed to keep the records of the Courts of Judicature, civil and criminal, as well as the keepers of the Revenue records in the several Collectorships; the whole of whom are appointed by the Governor-General in Council, and are not removable without sufficient cause established to his satisfaction. The principal native officers employed in the Police are also, under the existing Regulations, not liable to be removed from their stations without proof of incapacity or misconduct to the satisfaction of the Governor-General in Council; and the Native Commissioners for the trial and decision of civil causes to a small amount, who are appointed with the approbation of the Court of Sudder Dewanny Adawlut, are not removable during the period of their commissions without sufficient cause proved to the satisfaction of that Court. The Zillah Khazanchies (or native cash-keepers) under the Collectors are in like manner required to be appointed with the approbation of the Board of

Revenue, and are declared not to be removable except for misconduct or other sufficient cause proved to the satisfaction of that Board. But in other instances it is not required by the existing Regulations that the sanction of the Governor-General in Council, or the approbation of the Sudder Dewanny Adawlut and Nizamut Adawlut, or of the Boards of Revenue and Trade, be obtained to the appointment of the native officers employed on the part of Government in the Judicial, Revenue, and Commercial Departments, or in the Departments of Salt, Opium, and Customs, nor has any general provision been made for securing the continuance of such officers in their respective situations whilst they perform the duties assigned to them with attention and fidelity. His Excellency the Most Noble the Governor-General in Council has therefore enacted the following further rules, to be in immediate force within the Provinces of Bengal, Behar, and Orissa (including Cuttack), the Province of Benares, and the Provinces ceded by the Nawab Vizier.

II. Such parts of Section 2, Regulation XIII., 1793 (extended to Benares by Regulation XII., 1795), and of Section 2, Regulation XII., 1803, for the Provinces ceded by the Nawab Vizier, as authorize the Courts of Civil and Criminal Judicature to appoint their respective native officers (excepting the Naibs of the Nazirs, the Mirdahs, and the Peons), and to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, are hereby rescinded.

III. Such parts of Section 13, Regulation II., 1793, and Section 13, Regulation V., 1795, as declared the appointment and dismission of native public servants on the establishments of the Collectorships (the keepers of the records and the Khazanchies excepted) to be vested in the Collectors of the Revenue are also hereby rescinded.

IV. The head ministerial native officers who are now or may be hereafter employed in the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the Provincial Courts of Appeal and Circuit, the Zillah and City Civil Courts, and the Courts of the Magistrates in the several zillahs and cities, the head native officers who are now or may be hereafter employed under the Secretary to the Board of Revenue or the Collectors of the Revenue, and the head native officers who are now or may be hereafter employed under the Secretary to the Board of Trade, the Commercial Residents or Agents, the Agents for the provision of Salt and Opium, or the Collectors of the Customs, shall not be removed from their respective offices without the sanction of the Governor-General in Council.

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V. Whenever the head ministerial native officers of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, of the Provincial Courts of Appeal and Circuit, of the City and Zillah Civil Courts, of the Courts of the Magistrates in the several zillahs and cities, or the principal native officers employed under the Secretaries to the Board of Revenue and Board of Trade, or the head native officers of the Collectors of the Land Revenue and of the Customs, of the Commercial Residents and Agents, or of the Agents for the provision of Salt and Opium, shall be desirous of resigning their offices, the above-mentioned authorities are hereby required to receive and record such resignations in open Court, or in their public Cutcherries, and to transmit the same through the channel prescribed for conducting the public correspondence to the Governor-General in Council for his information and orders.

VI. Whenever the authorities specified in the preceding Sections may see cause for the removal of any of their head native officers on the ground of misconduct, incapacity, or otherwise, they shall communicate to such officer the grounds upon which they may consider him undeserving of continuance in his station, and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer, shall be transmitted through the prescribed channel of public correspondence to the Governor-General in Council, who will pass such order thereupon as he may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy and translation of such parts thereof as may be material and appear necessary for the full information of the Governor-General in Council shall also be transmitted with the reports required. In cases, however, in which the head native officer of any of the authorities noticed in Section 4 may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer under whose authority he may be employed is empowered to suspend him; and, if requisite for the public business, to nominate another person, duly qualified, to act in his place until the orders of the Governor-General in Council can be obtained upon the case.

VII. A report shall likewise be made to the Governor-General in Council without loss of time, through the channel

above prescribed, whenever an actual vacancy shall occur in the situation of head native officer to any of the authorities mentioned in Section 4 of this regulation from death or any other cause.

VIII. Whenever the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue and Trade (through whom all correspondence on this subject is in future to be conducted), shall receive any reports from the Provincial, City, or Zillah Courts, or from the Collectors of the Land Revenue, or from the Commercial Residents or Agents, or the Collectors of Customs, or Agents for the provision of Salt and Opium, enclosing the resignations of their principal native officers, the Sudder Dewanny Adawlut and the Boards of Revenue and Trade shall forward the said resignations to the Governor-General in Council, with their opinion whether any objections occur to accepting the resignations in question. In like manner, whenever the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, shall receive any report from the authorities subject to the control of those Courts and Boards respectively regarding the misconduct or incapacity of their head native officers, the Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, shall forward such reports to the Governor-General in Council (after calling for such further information as they may deem necessary), and shall state their opinion whether there appear to be sufficient grounds for the dismission of the officers proposed to be removed. On the same principle, those authorities are to forward to the Governor-General in Council any reports which they may have received of vacancies among any of the head native officers from the death of such officers or from any other cause.

IX. When the head native officer of any of the authorities specified in Section 4 may be removed from his station by order of the Governor-General in Council, and also whenever a vacancy may occur from death, resignation, or otherwise in the station of head native officer to any of those authorities, the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, the Provincial Court of Appeal or Circuit, the Zillah or City Judge or Magistrate, the Board of Revenue or Collector, the Board of Trade, Commercial Resident or Agents, the Agent for the Provision of Salt or Opium, or the Collector of Customs, in whose immediate department such removal or vacancy may occur, shall nominate, through the proper channel, for the approbation of the Governor-General in Council, a person duly quali-

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fied to succeed to the station so vacated ; and shall, at the same time, report fully any information obtained of the past employments, character, and qualifications of the proposed successor. The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, in submitting any such reports from the officers in their respective departments to the Governor-General in Council, shall add whether they are aware of any objections to the proposed appointment; and the Governor-General in Council, on the receipt of such reports, or after calling for any further information that may appear necessary, will either confirm the person nominated to fill the vacant office, or will direct that a further nomination be made for his approval.

X. The rules contained in the five preceding sections shall be held applicable to the law officers of the several Courts of Justice: to the Cauzy-ul-Cuzaut and Cauzies of the towns, cities, and pergunnahs; to the keepers of the records of the Courts of Judicature and of the Collectorships; to the Police Darogahs; and to the Tehseeldars, who are vested with the charge of the Police in the Province of Benares and the Provinces ceded by the Nawab Vizier,—in addition to the rules now in force for the appointment or removal of those officers respectively, or in amendment thereof as far as the former rules are different from the provisions contained in the preceding sections of this Regulation. But the Tehseeldars in the Provinces above-mentioned being responsibly employed in the collection of the Public Revenue, they shall not be liable to suspension under Section 6, except by order of the Governor-General in Council, or Board of Revenue, or the Collectors ; and the nomination of persons to fill vacancies in the office of Tehseeldar in the above provinces, under Section 9, shall be made to Government by the Collectors, through the Board of Revenue.

XI. The Governor-General in Council also reserves to himself the power of ordering Sections 5, 6, 7, 8, and 9 of this Regulation to be applied to any other native officers in the Judicial, Revenue, or Commercial Departments, or in the Departments of Salt, Opium, and Customs, for whose appointment and removal he may at any time judge it proper to require the express sanction of the Government. In the meantime, the rules contained in the following sections are to be considered applicable to all native officers whose appointment and removal may not have been specially reserved to the Governor-General in Council.

XII. The Nazirs of the several Courts of Judicature, Civil and Criminal, shall be allowed, as heretofore, to appoint their own Naibs, and the Mirdahs, and Peons, or any similar descriptions of public servants employed under their immediate direction and control, and to fill up all vacancies which from time to time may occur in such appointments, subject to the approbation of the Judges and Magistrates superintending the Courts to which they are attached, and to the responsibility prescribed by Section 2, Regulation XIII., 1793, and Section 2, Regulation XII., 1803, for the good behaviour of the Naibs, Mirdahs, Peons, and others appointed by them. They may also, as hitherto, remove the persons so appointed by them, provided they can state sufficient cause to the satisfaction of the Judge and Magistrate, but not without his previous knowledge and sanction. The Police Darogahs and the Tehseeldars who are vested with the charge of the Police, as well as the City Kotwals and other Police officers acting immediately under the Zillah and City Magistrates, shall in like manner and under the same responsibility be allowed to nominate, for the approbation of the Magistrate, their own Naibs, Jemadars, and Burkundazes, or any similar descriptions of public servants composing part of their authorised Police Establishments, whenever vacancies may occur in such establishments, and to remove the persons acting under them upon such establishments, provided they can show sufficient cause to the satisfaction of the Magistrate, but not without obtaining his previous sanction.

XIII. The principle of the foregoing section shall be equally applicable to the Naib Nazirs, the Mirdahs, Peons, Jemadars, and Burkundazes, or any similar descriptions of public servants employed in the Revenue and Commercial Departments, or in the Departments of Salt, Opium, and Customs; and shall be observed accordingly in the whole of the public offices which are now established or may be hereafter constituted in these departments respectively. It shall also be applied to any Establishments of the descriptions specified, which may at any time be allowed by Government to the native Commissioners now appointed, or who may be hereafter appointed, in the Judicial Department, and generally to all similar establishments in that Department.

XIV. Any other inferior native officers forming part of the fixed establishments of the Zillah and City Courts, Civil or Criminal; or of any officers acting under the authority of the Zillah and City Judges and Magistrate, of the Provincial Courts of Appeal and Circuit, or of any other Court or Office in the

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Judicial Department; or forming part of the fixed establishments of the Collectors of the Revenue, of any officers acting under the authority of the Collectors of the Revenue, or of any other office in the Revenue Department; or forming part of the fixed establishments of the Commercial Residents and Agents, the Agents for the Provision of Salt and Opium, or the Collectors of the Customs, and of any officers acting under the authority of these officers, or of any other office in the Commercial Dement, or the Departments of Salt, Opium, and Customs, provided that the salary or other allowance of the several inferior officers herein referred to shall not amount to the sum of ten rupees per mensem, may be appointed whenever vacancies occur in the stations of such officers, and on proof of misconduct or other sufficient cause, may be removed, without any reference to any superior authority, by the public officer on whose establishment they are entertained or to whose immediate authority they are subject—*viz.*, by the Zillah and City Judges and Magistrates; the Provincial Courts of Appeal and Circuit; the Register to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut; and the Superintendent, however denominated, of any other office in the Judicial Department; by the Collectors of the Revenue, the Secretary to the Board of Revenue, and any other heads of the office in the Revenue Department; by the Commercial Residents and Agents, the Agents for the Provision of Salt and Opium, the Collectors of Customs, the Secretary to the Board of Trade, and any other denominations of superintending officers in the Commercial Department. The whole of the officers herein described, however, are directed to record upon their proceedings the grounds upon which any native officers may be removed by them, and are required to exercise the power vested in them in the appointment and removal of the inferior officers acting under them respectively with due regard to the public service and the rights of individuals by selecting proper persons to fill all vacancies in the situations of such officers, and by continuing in office the persons appointed, whether by themselves or their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.

XV. The native officers who are now or may be hereafter employed in the several Courts of Judicature, Civil and Criminal, or under any public officer subject to the authority of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut; the native officers who are now or may be hereafter employed under the Collectors of the Revenue, the Secretary to the Board of Revenue, or any public officer subject to the authority of the

Board of Revenue; and the native officers who are now or may be hereafter employed under the Commercial Residents and Agents, the Agents for the Provision of Salt and Opium, the Collectors of the Customs, the Secretary to the Board of Trade, or any public officer subject to the authority of the Board of Trade, for whose appointment and removal no provision has been made by the preceding sections of this Regulation,—*viz.*, all native officers so employed whose salary or other allowance may amount to ten rupees per mensem or upwards, and whose appointment and removal may not have been reserved to the Governor-General in Council, shall not be removed from their respective offices without the sanction of the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or the Board of Revenue or Trade, according to the department in which such officers may be employed.

XVI. Whenever an actual vacancy shall occur among the native officers attached to any of the authorities specified in the preceding section, from death or from any other cause, such vacancy shall be immediately reported to the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or to the Board of Revenue or Board of Trade, according to the department in which the vacancy may occur. The necessary report is likewise to be furnished regarding any such officers who may be desirous of resigning their employments—which resignations are uniformly to be taken in the manner prescribed in Section 5 of this Regulation. In like manner, whenever the authorities specified in the preceding section may see cause for the removal of any of the native officers therein referred to, they shall communicate to such officer the grounds upon which they may consider him undeserving of continuation in his station, and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy of the communication made to the officer, and his answer, shall be transmitted (according to the department in which he may be employed) to the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or to the Board of Revenue or Board of Trade, who will pass such order thereupon as they may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy of such parts thereof as may be material, and appear necessary for the full information of the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or the Board of Revenue or Trade, shall also be transmitted with the reports required.

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XVII. In cases wherein any of the native officers described in Section 15 may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer under whose authority he may be employed is empowered to suspend him, and, if requisite for the public business, to nominate another person, duly qualified, to act in his place until the orders of the superior Court or Board can be obtained upon the case. But such suspensions and nominations are to be reported, with the least possible delay, for the information and orders of the Sudder Dewanny Adawlut or Nizamut Adawlut, or the Board of Revenue or Trade, according to the proper department.

XVIII. Whenever an actual vacancy shall occur in the station of any of the native officers described in Section 15 of this Regulation, from death or other cause, and whenever any vacancy shall occur by the resignation or removal of any such officer, under the sanction or orders of the Sudder Dewanny Adawlut and Nizamut Adawlut, or of the Board of Revenue or Board of Trade, the authorities before specified in whose immediate department such removal or vacancy may occur shall nominate, for the approbation of the Sudder Dewanny Adawlut or Nizamut Adawlut, or the Board of Revenue or Trade, a person duly qualified to succeed to the station so vacated; and shall at the same time report fully any information obtained of the past employments, character, and qualifications of the proposed successor The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, on the receipt of such reports, or after calling for any further information that may appear necessary, are authorized to confirm the person nominated to fill the vacant office, or to direct that a further nomination be made for their approval.

XIX. The rules contained in the preceding sections shall be held applicable to the native Commissioners for the trial of civil causes, and to the Khazanchies or native Cash-keepers of the Collectors, in addition to the rules now in force for the appointment and removal of those officers, or in amendment thereof as far as the former rules are different from those now enacted. The provisions in those sections are also meant to include the Tehseeldars employed for the collection of the Public Revenue in the provinces of Bengal, Behar, and Orissa, who are accordingly to be nominated by the Collectors and approved by the Board of Revenue. It is hereby further declared that an order of Government shall be sufficient, without a new Regulation, to extend the provisions of this Regulation to any

offices now subsisting, or which may be hereafter instituted, in the Judicial, Revenue, or Commercial Departments, or in the Departments of Salt, Opium, and Customs, though not within the exact denomination of the offices described in this Regulation.

XX. On receipt of this Regulation, the several authorities referred to in it who are respectively subordinate to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or to the Boards of Revenue and Trade, shall transmit to those Courts and Boards a complete statement of their establishments as now authorized by Government, and of the establishments of all officers acting under them who are paid by Government—specifying the number and fixed allowances of the native officers actually employed, and the names of those whose salaries or other allowances amount to ten rupees per mensem, with the dates of their appointments. In the event of the stations of any officers of this description being now vacant, and of its being requisite for the public business to fill such vacancies, they shall at the same time nominate proper persons for this purpose, in conformity with Sections 9 and 18 of this Regulation. The statements so transmitted shall be forwarded, as received, to the Civil Auditor, who shall compare them with the authorized establishments, and report any deviations through the proper channel for the orders of the Governor-General in Council, after obtaining which, the names of the officers actually employed, and receiving the allowance specified, shall be entered in the book of Civil Establishments.

XXI. Any future removals and appointments of the native officers described in this Regulation, and receiving an allowance of ten rupees per mensem or upwards, which may be sanctioned by the Governor-General in Council, or by the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue and Trade, shall also be communicated to the Civil Auditor by the Register to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and by the Secretaries to the Boards of Revenue and Trade, for the purpose of making the requisite alteration in the book of Civil Establishments.

XXII. The several authorities and officers referred to in this Regulation who may hereafter have accounts to render to the Accountant-General, or to the Accountants in the Judicial, Revenue, and Commercial Departments, or to the Civil Auditor, which by the rules and orders now in force, or by such as may be passed in future, are, or may be, required to be accompanied with detailed statements of the establishments of native

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officers, shall uniformly insert in such statements the names of the native officers actually employed and receiving an allowance of ten rupees per mensem or upwards, as sanctioned by the Governor-General in Council, or by the Sudder Dewanny Adawlut, and Nizamut Auawlut, or by the Boards of Revenue or Trade, under the provisions contained in this Regulation.

XXIII. The several officers of Government in the Judicial, Revenue, and Commercial Departments, and in the Departments of Salt, Opium, and Customs, who are already restricted by their official oaths, or by the known declarations and orders of Government, from deriving any personal advantage whatever from their fixed establishments of native officers, are further hereby positively prohibited from making any alteration whatever in the distribution of the salaries of such officers, or in the number and designation of the several descriptions of native officers which now compose, or may hereafter compose, their authorized establishments, without the express sanction of the Governor-General in Council.

XXIV. Nothing in this Regulation shall be construed to establish a claim of inheritance to any public office whatever, or to prevent the abolition of any such office, by order of the Governor-General in Council, whenever he may judge it unnecessary to continue the same for the public service.

XXV. By Section 3, Regulation II., 1793, it is enacted that the Collectors of the Public Revenue, previously to entering upon the execution of the duties of their offices, shall take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the Revenue, before one of the Judges of the Supreme Court of Judicature. But it has in many cases been found inconvenient to bring the persons so employed from their stations to the Presidency for the purpose of taking the oath prescribed by the Statute 33, Geo. III., Cap. 52, before one of the Judges of the Supreme Court; and by the provision made in the said Statute such oath may be administered by any person deputed or authorized for this purpose by an order of the Governor-General in Council. It is therefore hereby declared, in modification of Section 3, Regulation II., 1793, that whenever it may be requisite to administer to any person employed in the management or collection of the Revenue the oath prescribed by the 61st Section of the Statute aforesaid, the Governor-General in Council will determine and direct whether the same shall be taken before one of the Judges of the Supreme

Court of Judicature at Calcutta, or before such other person as may be authorised by an order of Government for this purpose. It shall, however, be observed as an invariable rule, whenever the oath in question may be taken before any other person than one of the Judges of the Supreme Court, to transmit the same, duly subscribed and attested, to the Register to the Sudder Dewanny Adawlut, for the purpose of being recorded in that Court.

XXVI. The following is the form of the oath which is to be taken by the persons employed in the collection of the public Revenue:—

"I, ————, do promise and swear that I will, to the "utmost of my endeavours, well and faithfully execute and "discharge the duties of an Officer of Revenue, reposed in and "committed to me by the United Company of Merchants of "England trading to the East Indies: and that I will not "demand, take, or accept, directly or indirectly, by myself or by "any other person, for my use or on my behalf, of or from any "Rajah, Zemindar, Talookdar, Polygar, Farmer, Renter, or "Ryot, or from any person paying or liable to pay any tribute, "rent, or tax to or for the use of the said United Company any "sum of money or other valuable thing by way of gift, present, "or otherwise, over and above, or besides and except, the actual "tribute, rent, or tax authorized to be taken by and for the use "of the said United Company: and that I will justly and truly "account for, answer, and pay all the rents, duties, and other "Revenues, and sums of money which shall come to my hands, "or to the hands of any person or persons in trust for or em-"ployed by me as an Officer of the Revenues of the said Com-"pany, unto the said United Company. So help me God."

A. D. 1809.—REGULATION VIII.:

A REGULATION FOR MODIFYING PARTS OF THE RULES IN FORCE RESPECTING THE APPOINTMENT AND REMOVAL OF THE NATIVE OFFICERS OF GOVERNMENT IN THE JUDICIAL, REVENUE, AND COMMERCIAL DEPARTMENTS.

Under the rules prescribed by Regulation V., 1804, the confirmation of the appointment, resignation, and removal of the principal ministerial native officers employed in the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the Provincial Courts of Appeal and Circuit, the Zillah and City Civil Courts, and the Courts of the Magistrates in the several zillahs and cities, as well as of the principal native officers employed under the Boards of Revenue and Trade, the Col-

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lectors of the Revenue and Customs, the Commercial Residents and Agents, and the Agents for the Provision of Salt and Opium, is reserved to the Governor-General in Council, to whom is also reserved the confirmation of the appointment, resignation, and removal of the law officers of the several Courts of Justice, the Cauzy-ul-Cazaut, and the Cauzies of the several cities, towns, and pergunnahs, the keepers of the records of the Courts of Judicature and Collectorships, the Police Darogahs, and the other principal officers of the Police. It is at the same time required by Section 6 of the Regulation above-mentioned that whenever the authorities specified may see cause for the removal of any of the native officers in question, they shall, after communicating to such officer the grounds upon which he may be considered undeserving of continuance in his station, and calling upon him to state what he may have to offer in his defence, transmit through the prescribed channel of public correspondence to the Governor-General in Council a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer, accompanied by a copy and translation of any proceedings or documents referred to in the report which may be material to the case and appear necessary for the full information of the Governor-General in Council. A similar mode of proceeding is directed with respect to other descriptions of native officers, the confirmation of whose appointment, resignation, and removal is left to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or to the Board of Revenue or Board of Trade. The observance of these rules has been found to occasion considerable labor and occupation of time in the public offices, to the interruption of other business of importance, and it is considered that the object of them stated in the preamble to Regulation V., 1804, may be effectually attained, with some modification of the requisition for a full report of proceedings, by transferring to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Provincial Courts of Appeal and Circuit, to the Boards of Revenue and Trade, and to the Board of Commissioners in the Upper Provinces, the power of confirming the appointment, resignation, and removal of the native officers specified—excepting only the Law Officers of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, whose appointment and removal, from the nature of their functions, should be still reserved to Government. The local knowledge possessed by the Courts of Circuit, and the number of cases brought before them at the zillah and city jail deliveries in which the conduct of the Police Officers falls within their

observation, render it particularly expedient that those Courts should control the appointment and removal of the Kotwals, Police Darogahs, and other principal officers of the Police. And it is necessary to declare, with respect to these and other native officers, that they will be liable to removal from the public trusts committed to them, although no specific act of criminality may be established against them, when there is sufficient reason to consider them incapable or neglectful of their prescribed duties, or in any respect unworthy of public confidence, especially with regard to the Police Officers when robberies or other public crimes may become prevalent within the local limits of their jurisdiction. The following rules are accordingly enacted by the Governor-General in Council, to be in force as soon as promulgated throughout the whole of the Provinces immediately subject to the Presidency of Fort William.

II. The rules contained in Regulation V., 1804, and of any other Regulation in force for the appointment and removal of the native officers of Government in the Judicial, Revenue, and Commercial Departments, and in the Departments of Salt, Opium, and Customs, are hereby declared subject to the several modifications and provisions contained in the present Regulation.

III. The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the Provincial Courts of Appeal and Circuit, the Boards of Revenue and Trade, and the Board of Commissioners in the Western Provinces, shall hereafter exercise, without reporting their proceedings for the sanction of Government, the power of appointing, removing, and accepting the resignation of the principal ministerial native officers acting under them respectively, as well as all other native officers on their respective establishments. * * *

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VI. The Zillah and City Magistrates shall also report to the Court of Circuit whenever they may see cause for removing a Kotwal or Police Darogah from one station to another within their respective jurisdictions; and shall not make such removals without the previous sanction of the Court of Circuit, unless in any particular instance there may appear to be urgent reason for it, in which case they shall immediately report the same for the information and orders of the Court of Circuit.

* * * * *

IX. The provisions of this Regulation, except Clause 5th, Section 5, which is hereby declared applicable to the whole of

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X. *First*,—The rules prescribed by Sections 10, 12, 13, 14, 15, 16, 17, 18, and 19, Regulation V., 1804, respecting the native officers employed in the Revenue and Commercial Departments, and in the Departments of Customs, Salt, and Opium, are also to be still considered in force, with the following modifications and additions:—

Second,—The reports directed to be made to the Board of Revenue are to be made to the Board of Commissioners in the Upper Provinces by the Collectors of Revenue and Customs subordinate to the authority of the Board of Commissioners.

Third,—The appointment and removal of the head native officers employed under the Collectors of Revenue and Customs, and the keepers of the records in the several Collectorships, instead of being reported to the Governor-General in Council, as required by Sections 4 and 10, Regulation V., 1804, are left to the determination of the Board of Revenue and Board of Commissioners, upon the reports of the Collectors. In like manner, the Board of Trade are empowered to determine upon the appointment and removal of the head native officers employed under the Commercial Residents and Agents, and the Agents for the Provision of Salt or Opium, upon reports from those officers.

Fourth,—In cases of proposed removals, the Collectors, Commercial Residents, and Agents shall proceed in conformity with Clause 2nd, Section 4, of the present Regulation, instead of observing the rule prescribed by Section 6, Regulation V. 1804.

Fifth,—The Collectors of the Land Revenue and Customs, the Commercial Residents and Agents, and the Agents for the Provision of Salt and Opium are authorised to administer an oath, under the provisions of Section 6, Regulation IV., 1793, and Section 5, Regulation L., 1803 (corresponding with Section 7, Regulation III., 1803, and Clause 6th, Section 25, Regulation VIII., 1803, for the Ceded and

Conquered Provinces), to any witnesses whom it may be necessary to examine respecting the conduct of any native officer employed under them respectively: Provided that if any witness shall refuse to take the oath required from him, he shall be sent to the Judge of the Zillah or City Court to be confined, as prescribed by the Regulations in similar cases.

XI. *First*,—On receipt of this Regulation, the several Zillah and City Judges and Magistrates shall furnish the Provincial Courts of Appeal and Circuit in their respective divisions with complete statements of their establishments, and of all establishments of public officers acting under them which have been authorised by Government, specifying the names and dates of appointment of all officers receiving ten rupees per mensem or upwards. Copies of the statements so received shall be forwarded by the Provincial Courts of Appeal and Circuit to the Civil Auditor, who will report through the proper channel any deviations from the fixed establishments, or any unauthorised changes in the officers employed upon such establishments, for the orders of the Governor-General in Council.

Second,—The Provincial Courts of Appeal and Circuit are further required to transmit to the Civil Auditor a monthly report of any appointments or removals which may be sanctioned under the authority vested in them by this Regulation, either of the native officers on their own establishments, or of those on the Establishments of the Zillah and City Judges and Magistrates of their respective divisions.

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XIII. It is hereby further declared that nothing in the present Regulation shall be construed to preclude the Governor-General in Council, or the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, from ordering the removal of a native officer, upon just and sufficient ground appearing for such order. Nor is any part of this Regulation meant to prevent the exercise of the general authority vested in the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut by the Regulations in force.

XIV. The Governor-General in Council reserves to himself the power of ordering the rules contained in this Regulation to be extended to any other native officers in the service of Government to whom the same may be considered applicable, although not specifically included in the provisions of this Regulation, or of Regulation V., 1804.

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A. D. 1817.—REGULATION XVIII.:

A REGULATION TO MODIFY THE RULES IN FORCE WHICH PRESCRIBE AN OATH OF OFFICE TO BE TAKEN BY CERTAIN NATIVE OFFICERS; AND TO EXPLAIN AND AMEND OTHER PROVISIONS RELATIVE TO THE NATIVE MINISTERIAL OFFICERS AND LAW OFFICERS OF THE CIVIL AND CRIMINAL COURTS.

WHEREAS doubts have arisen whether the native Record-keepers attached to the Civil and Criminal Courts of Judicature, as well as the Tehveeldars, or native Treasurers of those Courts, were meant to be included in the description of native officers required to take the oath prescribed by Section 4, Regulation XIII., 1793 (extended to the Province of Benares by Regulation XII., 1795, and re-enacted for the Upper Provinces by Section 4, Regulation XII., 1803); also whether a *hullufnamah*, or solemn declaration, can in any instance be admitted instead of the oath directed to be taken by the native officers of the Civil and Criminal Courts; and whereas, with a view to maintain the sanctity and obligation of an oath, by confining the requisition of it to cases in which an oath may be necessary for the validity of evidence and due administration of justice,—it appears expedient to modify the rules in force, which prescribe an oath of office to be taken by any of the native officers of Government, at the same time explaining and amending the existing provisions for a Civil action against the Law Officers and Ministerial native officers of the Courts of Judicature in cases of alleged corruption or extortion : the following rules, including likewise an additional rule for the appointment of the Law Officers of the Provincial, Zillah, and City Courts, have been enacted, to be in force as soon as promulgated, throughout the Provinces dependent on the Presidency of Fort William.

II. *First*,—Such parts of the Regulations in force as direct that the Law Officers or mininisterial native officers of the Court of Judicature, Civil or Criminal, or any other native officers employed in the Judicial, Revenue, or Commercial Departments, or in any public office whatever, shall take and subscribe an oath previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed, or which in like manner prescribe an oath of office to be taken by the Moonsiffs and Sudder Ameens, and by the native pleaders attached to the Civil Courts, are hereby declared subject to the following modification:—

Second,—Instead of the prescribed oath which is required by the Regulations in force, the several native officers referred to in the above clause shall hereafter make and sub-

scribe in open Court, or in the established public office, before the Judges, Boards, Collectors, Commercial Residents and Agents, or other European authorities to which they may be respectively subject, a solemn declaration to the same effect with the form of oath heretofore prescribed, except that the word "declare" shall be substituted for "swear;" and that the declarer shall not be sworn thereto.

Third.—The Judges, Boards, Collectors, or other European Officers before whom such declarations are required to be made and subscribed shall attest the same as publicly read and subscribed before them, in pursuance of the above clause; and shall be careful to enforce a due observance of the rule therein contained by the native officers appointed to act under them respectively.

III. With the modification contained in the preceeding section, the rules in force, which require that certain native officers attached to the Civil and Criminal Courts of Judicature, and to other public offices, shall take and subscribe an oath, solemnly engaging to perform the duties of the office committed to them faithfully and uprightly, according to the Regulations, are hereby declared to extend to the native Record-keepers and Tehveeldars, or native Treasurers, of the Civil and Criminal Courts, though not specifically named in Section 4, Regulation XIII., 1793, and Section 9, Regulation XII., 1803, as well as to all other native officers of Government holding any situation of trust and responsibility in the public service.

* * * * *

VI. *First,*—In explanation of the provision for a Civil action against the Law Officers and mininisterial native officers of the Courts of Judicature contained in Regulations XII. and XIII., 1793 (extended to Benares by Regulations XI. and XII. 1795; and re-enacted for the Upper Provinces by Regulations XI and XII., 1803), it is hereby declared that those provisions—the principal object of which is to enable individuals who may be aggrieved by any of the native officers in question to obtain redress by an action in the Civil Courts—are not meant to preclude a criminal prosecution in cases of corruption, extortion, or embezzlement which may appear to call for exemplary punishment.

Second,—Whenever a Law Officer or ministerial native officer may not, by the result of a Civil action, have been subjected to the penalties for corruption or extortion provided for in the above Regulations, and there may appear to be sufficient

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grounds for a criminal prosecution against any such officer on a charge of corruption, extortion, or embezzlement, he is hereby declared liable to a criminal prosecution before the Zillah or City Magistrate and Court of Circuit, as provided for in other cases of misdemeanor by the Regulations; and, on conviction before a Court of Circuit or the Court of Nizamut Adawlut, he shall be subject to discretionary punishment to the extent and under the provisions stated in Section 3, Regulation II., 1813, with respect to native officers convicted of making use of the public money entrusted to their care.

Third,—Section 4 of the Regulation above-mentioned, directing a report of convictions and sentences to the Governor-General in Council, for the purpose of enabling him to determine whether the guilty person should be declared incapable of again serving Government, shall also be considered applicable to any convictions and sentences under the present section.

VII. *First*.—The Regulations in force not containing any provision for a summary proceeding to inquire into and recover embezzlements of money or other property paid into or deposited in the Civil or Criminal Courts of Judicature, or received by the Nazir, Khezanchee, or other native officers of those Courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity; and it appearing expedient that provision should be made for this purpose, as well as for compelling the native officers of the Civil and Criminal Courts to deliver up any public accounts which may have been kept and withheld by them,—the following rules are enacted for this purpose:—

Second,—Whenever any native officer attached to a Civil or Criminal Court may be charged with having embezzled any money or other property paid into or deposited in the Court to which he is attached, or received by him in his official capacity in execution of a decree, or on account of a deposit, or on any other account whatever; or whenever the Judge or Judges of a Civil or Criminal Court may have reason to suspect any such embezzlement on the part of a native officer attached to the Court, they shall immediately institute a summary inquiry to ascertain the truth of such charge or suspicion, and shall at the same time require the native officer accused or suspected to give sufficient security for his attendance during the inquiry. In the event of such security not being given, and of its appearing necessary to keep the

officer in custody pending the enquiry, it shall be competent to the Judge or Judges to order the same and to keep the party in custody of peons, or to confine him in the Jail of the Dewanny Adawlut, until he shall give the required security, or his detention appear no longer necessary.

Third,—When the summary enquiry has been completed, if it be established thereby that any money or other property has been embezzled by the person accused or suspected, in his official capacity, he shall be required to pay the same into Court within such time as may be limited for that purpose; and on his failure to comply with such requisition, it shall be recoverable from him, as well as from his surety, if he have given security on account of the office held by him, by the usual process of recovery, in execution of judgments of the Civil Courts.

Fourth,—A similar mode of proceeding shall be observed when a native officer attached to any Civil or Criminal Court of Judicature may withhold any public accounts which it is his duty to prepare and furnish, and the summary judgment in such cases shall not only order the immediate delivery of the accounts withheld, but shall also impose such fine to Government as may appear just and proper on consideration of all the circumstances of the case and the situation of the party.

Fifth,—Any person dissatisfied with the judgment of a Zillah or City Court given under the provisions of this Section shall be at liberty to prefer a summary appeal thereupon, under the rules applicable to such appeals, to the Provincial Court of the division; and, provided sufficient security be given for performing the decree of the Provincial Court, on the appeal, the decision of the Zillah or City Court shall not be carried into execution till confirmed by the Provincial Court.

Sixth,—In like manner, if the original summary judgment be passed by a Provincial Court, a summary appeal, under the rules applicable to such appeals, shall lie to the Court of Sudder Dewanny Adawlut, and the decree of the Provincial Court shall not be executed till it is affirmed by the Sudder Dewanny Adawlut, if sufficient security be given to perform the judgment of the latter Court on the appeal.

Seventh,—Provided, however, with respect to all cases decided in the first instance by a Zillah or City Court, and afterwards determined on appeal by a Provincial Court, that

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no second appeal shall lie to the Sudder Dewanny Adawlut, except under the prescribed restrictions for second or special appeals, in regular suits. Nor shall final summary judgments, given under the provisions of this Section, be open to a further regular suit, but shall be held conclusive, upon the merits of all cases so adjudged.

A. D. 1817.—REGULATION XXIV.:

A REGULATION FOR BETTER DEFINING THE POWERS TO BE EXERCISED IN CERTAIN CASES BY A SINGLE MEMBER OF THE BOARD OF REVENUE.

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V. It is hereby further declared and enacted that, in the event of the death, resignation, or unavoidable absence of a member of the Board of Revenue, or of a member of any Commission exercising the powers of that Board, a single member of such Board of Commission shall be competent to exercise all the duties, powers, and authority vested in such Board collectively, in like manner as in the case specified in Section 4 of the above-mentioned Regulation.

A. D. 1821.—REGULATION IV.:

A REGULATION FOR AUTHORIZING A COLLECTOR OF LAND REVENUE, OR OTHER OFFICER EMPLOYED IN THE MANAGEMENT OR SUPERINTENDENCE OF ANY BRANCH OF THE TERRITORIAL REVENUES, TO EXERCISE IN CERTAIN CASES THE POWERS OF MAGISTRATE OR JOINT MAGISTRATE; AND FOR AUTHORIZING A MAGISTRATE OR JOINT MAGISTRATE, OR ASSISTANT TO A MAGISTRATE, TO EXERCISE IN CERTAIN CASES THE POWERS OF A COLLECTOR OF LAND REVENUE, OR OF ANY OTHER OFFICER EMPLOYED IN THE MANAGEMENT OR SUPERINTENDENCE OF ANY BRANCH OF THE TERRITORIAL REVENUES. ALSO FOR EXPLAINING THE DUTIES OF AN ASSISTANT TO A COLLECTOR OF REVENUE, AND FOR DEFINING THE DUTIES AND POWERS VESTED IN ASSISTANT COLLECTORS OR OTHER OFFICERS APPOINTED TO THE CHARGE OF THE REVENUES OF PERGUNNAHS OR OTHER LOCAL DIVISIONS, OR EMPLOYED IN THE PERFORMANCE OF ANY PORTION OF THE FUNCTIONS ORDINARILY BELONGING TO COLLECTORS OF LAND REVENUE.

WHEREAS it may be expedient to authorize a Collector of Land Revenue, or other officer employed in the management or superintendence of any branch of the territorial Revenue, to exercise in certain cases the whole or any portion of the powers at present exercised respectively by a Magistrate or Joint Magistrate, or to vest the powers of a Collector of Revenue, or any portion thereof, in the hands of a Magistrate or Joint Magistrate, or of an Assistant to a Magistrate, and whereas it is expedient to explain the duties which may be

performed by the Assistants to the Collectors of Revenue, and to define the duties and powers vested in Assistant Collectors or other officers when appointed to the charge of the Revenues of Pergunnahs or other local divisions, or when employed in the performance of any portion of the functions ordinarily belonging to Collectors of the Land Revenue, the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

II. It shall be competent to the Governor-General in Council to authorize a Collector of Revenue, or other officer employed in the management or superintendence of any branch of the territorial Revenues, to exercise the whole or any portion of the powers and duties vested by the Regulations in the Magistrates or Joint Magistrates, or to employ a Magistrate, Joint Magistrate, or an Assistant to a Magistrate, in the collection of the public Revenue, and to invest the person so employed with the whole or any portion of the powers of a Collector of Revenue, or of other officer employed in the management or superintendence of any branch of the territorial Revenues.

III. *First*,—If a person holding the office of Magistrate or Joint Magistrate, or Assistant to a Magistrate, shall be employed in the collection of the public Revenue, he shall, previously to entering upon the execution of the duties of a Collector, take and subscribe the oath prescribed by Section 25 and Section 26, Regulation V., 1804.

Second,—In like manner, if a person holding the office of Collector of Revenue, or of any other officer employed in the management or superintendence of any branch of the territorial Revenues, shall be appointed to perform the duties of Magistrate or Joint Magistrate, he shall, previously to entering upon the execution of such office, take and subscribe the oath prescribed by Section 2, Regulation IX., 1793, and Clause 1st, Section 3, Regulation XIII., 1793, with such verbal alterations only as may be consonant to the nature of the appointment.

IV. *First*,—If a person holding the office of Magistrate, Joint Magistrate, or of Assistant to a Magistrate, shall be employed in the collection of the public Revenue, he shall be guided in the execution of his duty as Collector by the orders of the Board of Revenue or the Board of Commissioners, and by the Rules and Regulations that have been or may be enacted for the collection of the public Revenue.

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Second,—If a person holding the office of Collector of Revenue, or otherwise employed in the management or superintendence of any branch of the territorial Revenues, shall be appointed to perform the duties of Magistrate or Joint Magistrate, he shall be guided in the execution of those duties by the Regulations which have been or may be enacted for the guidance of those officers respectively, and by the orders of the superior Courts of Criminal Judicature, in all matters in which a controlling or superintending power is vested in those Courts.

V. Every Magistrate or Joint Magistrate, or Assistant to a Magistrate, who may be employed in the collection of the Revenue, and every Collector or other officer employed in the management or collection of the territorial Revenues, who may be authorized to exercise the powers of a Magistrate or Joint Magistrate under the provisions of this Regulation, shall be careful to preserve the records of their Judicial and Revenue Offices separate and distinct from each other.

VI. *First*,—Such parts of the existing Regulations as declare the Collectors of Revenue to be amenable to the Zillah and City Courts for any acts done by them in their official capacity in opposition to the Regulations, shall be held applicable to any Magistrate or Joint Magistrate, or Assistant to a Magistrate, who may be employed in the collection of the public Revenue.

Second.—Provided always that if such individual shall at the same time hold the office of Judge of the zillah or city in which the act in question may have been committed, such acts shall not be cognizable by the Zillah or City Court, but by the Provincial Court of the division in which such zillah or city may be included.

VII. In the institution of suits for the recovery of the public Revenue, or in any case in which the institution of a suit by the Collector in the Zillah or City Courts is authorized or directed by the Regulations, a Magistrate or Joint Magistrate, or Assistant to a Magistrate, employed in the collection of the Revenue, not being himself in charge of the office of Judge of a Zillah or City Court, shall proceed according to the Regulations already in force for the guidance of the Collectors under similar circumstances.

VIII. *First*,—It is hereby declared and enacted that it is and shall be lawful for the Governor-General in Council to cause such alterations to be made in the limits of the

several Collectorships, and in the number of the officers employed as Collectors of Land Revenue, as may from time to time appear expedient, as well as to vest such officers, being covenanted servants of the Honorable Company, with authority to exercise the whole or any part of the functions ordinarily exercised by Collectors of Land Revenue in such mehal or mehals, belonging to such district or districts, as may from time to time be deemed expedient; and any officers so employed shall perform their prescribed duties in the same manner and subject to the same conditions and liabilities as attach to Collectors of Land Revenue in regard to such duties.

Second,—It shall also be competent to the Board of Revenue, or other authority exercising the powers of that Board, to depute any of the officers subordinate to their authority to exercise and perform all or any of the powers and duties ordinarily vested in Collectors of Land Revenue within such local limits as they may judge expedient; provided, however, that in all such cases the Board or other authority aforesaid shall, on the day in which they may depute any officer as aforesaid, or as soon after as practicable, report their having done so for the information and orders of the Governor-General in Council.

Third,—The Collectors of Revenue are hereby authorized, with the sanction of the Board of Revenue or the Board of Commissioners, to delegate to their Assistants any part of their prescribed duties which from the extent of their general business or other cause they may be unable to give due attention to themselves; provided always that in the event of a Collector deputing his Assistant to make local enquiries, or for any other purpose connected with the collection of the public Revenue, he shall immediately report the same for the information and orders of the Board of Revenue, or Board of Commissioners to which he may be subordinate.

Fourth,—Previously to entering upon the duties of his office, an Assistant to a Collector shall take and subscribe an oath corresponding with that prescribed by Section 25 and Section 26, Regulation V., 1804, for servants of the Company employed in the management and collection of the public Revenue.

Fifth,—Assistants or other officers exercising the powers of Collectors of Revenue, or any portion thereof, under the provisions of this Regulation, shall be guided in every respect by the Regulations which have been or may be enacted for

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the management and collection of the Revenue, as far as the same may be applicable to the duties committed to them respectively, and shall be considered responsible for the due performance of the duties entrusted to them, and shall be amenable to the Civil Courts of Judicature for any acts done by them in their official capacity in opposition to the Regulations, in the same manner and under the same rules as the Collectors of Revenue.

A. D. 1822.—REGULATION III.

A REGULATION FOR MODIFYING THE CONSTITUTION AND ALTERING THE JURISDICTION OF THE SEVERAL BOARDS VESTED WITH THE SUPERINTENDENCE OF THE LAND REVENUE IN THE TERRITORIES BELONGING TO THE PRESIDENCY OF FORT WILLIAM.

WHEREAS the superintendence of the Delhi territory has recently been vested in the Board of Commissioners for the Ceded and Conquered Provinces, and for this and other causes it has become necessary to relieve the said Board from the charge of a portion of the districts now under their control; and whereas it is also desirable to modify the constitution and alter the jurisdiction of the several Boards entrusted with the management of the land Revenue, the following rules have been enacted, to be in force from the date of their promulgation.

II. *First*,—Sections 28, 29, 34, 35, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, Regulation II., 1793; Section 26, Regulation V., 1795; and Section 27, Regulation XXV., 1803, are hereby rescinded.

Second,—Regulation I., 1816; Regulation I., 1817; and Sections 2 and 3, Regulation XXIV., 1817, are hereby rescinded.

* * * * * *

IV. *First*,—The said Boards shall each of them consist of such number of members as the Governor-General in Council may from time to time appoint.

Second,—The said Boards shall ordinarily sit daily (Sundays and holidays excepted) for the transaction of public business.

V. *First*,—It shall be competent to the Governor-General in Council, by an order in Council, to authorize a single member of any of the said Boards to exercise, either generally or

locally, all the duties, powers, and authority which are vested in the Board collectively, whenever circumstances may render such an arrangement desirable. It shall futher be competent to the Governor-General in Council similarly to authorize the several members of the said Board separately to exercise, at the same time and within the same limits, such part of the said duties, powers, and authority as it may from time to time be judged proper to assign to each respectively, whenever for the greater despatch of business or other cause it may appear advisable to divide the business of the Board, or to assign any special duty to any member separately; provided, however, that if a member exercising singly, as above, the duties, powers, and authority of the Board, or any part thereof, shall in any case be of opinion that any decision or order of a Collector ought to be reversed or altered, he shall not pass any final order on the case without the concurrence of one or more of the other members, unless otherwise specially directed and authorized by Government; provided, further, that it shall not be competent to a single member of a Board to reverse or alter a decree or order passed by any other member; provided, also, that no settlement of the land Revenue, whether in perpetuity or for a term of years, shall be or be held final and binding upon Government, unless the same shall have been formally confirmed by the Governor-General in Council.

Second,—Whenever two members of a Board shall jointly or separately have considered any question, if a difference of opinion shall arise between them, the decision of the question shall be postponed, and the case shall be referred to a third member, permanent or provisional, in such mode as may from time to time be directed by Government, and shall be determined according to the majority of voices.

Third,—In regard to the appointment, removal, or punishment of the native officers of Collectors of Land Revenue, or other functionaries subordinate to the Board, a single member, vested as above with authority separately to exercise the powers of the Board, or any part thereof, shall within the limits of his authority be competent to proceed in the same manner as the Board collectively are authorized to proceed; provided that in any such case, if a member of the Board, acting singly, shall differ in opinion from a Collector or other functionary immediately subordinate to them, he shall not, unless otherwise specially authorized by Government, pass any final order without the concurrence of one or more members of the Board.

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Fourth,—No final orders regarding the appointment, removal, or punishment of officers belonging or immediately subordinate to the Board shall (unless otherwise specially directed by the Governor-General in Council) be issued without the concurrent judgment of two or more members.

Fifth,—Single members exercising separate authority as above shall be competent to suspend any officer under their authority, in like manner as the Board collectively may do; but all orders regarding the suspension of any such officer passed by a single member, unless in confirmation of an order or recommendation of a Collector or other intermediate authority, or unless specially authorized by the Governor-General in Council, shall be reported without loss of time to some other member, and shall be liable to be set aside by the decision of a majority of the Board.

Sixth,—The Boards are authorized to review, rescind, alter, or confirm any order and decision passed by them collectively, or by any member exercising as above separate authority, if an application to that effect be made to them by any party interested in the case, within the period of three months from the date on which the order or decision may have been passed, or good and sufficient cause shown for a further delay, and if, from the documents exhibited, the case shall appear to merit further investigation. But no order or decision passed by a single member exercising separate authority shall be reversed, altered, or staid, excepting on the concurrent judgment of two or more members.

Seventh,—To provide for cases wherein the members of the Board shall not agree in opinion as to the decision or order to be passed in any case, and wherein the voices on each side may be equal, it shall be competent to the Governor-General in Council to appoint one or more temporary or provisional members, who shall, in regard to the investigation and determination of the questions so in dispute, have and exercise the same powers and authority as if they ordinarily belonged to the Board; and if a difference of opinion as aforesaid shall arise between two members of the Board holding joint sittings at any place where a temporary or provisional member may be stationed, the other permanent member or members of the Board being absent, it shall and may be lawful for them, without reference to such absent member, to submit the question in dispute to the provisional member, and to issue orders in conformity with the oipinion which he may support.

A. D. 1829.—REGULATION I.: CHAPTER I.

A REGULATION FOR CONSTITUTING COMMISSIONERS OF REVENUE AND CIRCUIT,—FOR ESTABLISHING A SUDDER BOARD OF REVENUE,—FOR MODIFYING THE CONSTITUTION OF THE PROVINCIAL COURTS,—FOR TRANSFERRING TO THE SAID COMMISSIONERS THE FUNCTIONS NOW EXERCISED BY THE SUPERINTENDENTS OF POLICE, AND THOSE OF THE MOFUSSIL SPECIAL COMMISSIONERS ACTING UNDER THE PROVISIONS OF REGULATION I., 1821,—AND OTHERWISE FOR PROVIDING FOR THE BETTER ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE.

THE system in operation for superintending the Magistracy and the Police, and for controlling and directing the executive Revenue Officers, who in several cases are also Magistrates, has been found to be defective. The Provincial Courts of Appeal and Circuit as now constituted, partly from the extent of country placed under their authority, and partly from their having to discharge the duties of both Civil and Criminal tribunals, have, in many cases, failed to afford that prompt administration of justice which it is the duty of Government to secure for the people. The jail deliveries have been, in some instances, delayed beyond the term prescribed by law, especially in the Division of Bareilly, which comprises thirteen stations at which jail deliveries have to be held, besides the Joint Magistracies of Belah and Sirpoorah; and a great arrear of cases under appeal has accrued in all the Courts, to the manifest injury of many individuals, and to the encouragement of litigation and crime. The Judges of Circuit, when employed singly in the districts under their authority, do not possess sufficient powers, nor have they the opportunity of acquiring sufficient local knowledge, to enable them adequately to control the Police or protect the people. The great extent of country under each of the Boards of Revenue has similarly operated to impede them in the execution of the duties which belong to them as tribunals for the determination of all questions relative to the assessment of lands under settlement, and for the judicial decision of many other important cases, as the general guardians of the fiscal interests of the State, as directors and superintendents over the executive officers, and as the confidential advisers of Government. For the correction of the above defects, it has appeared to be expedient and necessary to place the Magistracy and Police, and the Collectors and other executive Revenue Officers, under the superintendence and control of Commissioners of Revenue and Circuit; each vested with the charge of such a moderate tract of country as may enable them to be easy of access to the people, and frequently to visit the different parts of their respective jurisdictions; to confide to the said Commissioners the powers now

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vested in the Courts of Circuit, together with those that belong to the Boards of Revenue, to be exercised, with the modifications hereinafter provided, the former under the authority of the Nizamut Adawlut, and the latter under the instructions and control of a Sudder or Chief Board of Revenue; and altogether to disjoin the functions of the Courts of Circuit from those of the Judges of Appeal. It has, at the same time, appeared to be necessary, with a view to the more speedy and effectual redress of the wrongs which the people have suffered in several of the districts of the Western Provinces, under the circumstances detailed in the preamble of Regulation I., 1821, to transfer to the said Commissioners of Revenue and Circuit the powers and authority now exercised by the Mofussil Special Commissioners acting under the provisions of that law, with certain modifications hereinafter specified. It has likewise been deemed expedient to extend the system of administration which has been for some years followed in Cuttack to the adjoining district of Midnapore, and to certain other districts in the vicinity of tracts of which the affairs are conducted on similar principles; and, further, with a view to public economy, it has been deemed proper to abolish the office of Superintendent of Police, the necessity for which is superseded by the appointment of Commissioners. With the above views and purposes, the Governor-General in Council has enacted the following rules, to be in force from the 1st March, 1829, throughout the provinces immediately subject to the Presidency of Fort William:—

II. A Commissioner of Revenue and Circuit shall be appointed for each of the under-mentioned divisions; provided, however, that it shall be competent to the Governor-General in Council, by an order in Council, to transfer any district or districts from one division to another, and to increase or reduce the number of Commissioners, if such a measure shall appear to be necessary or expedient; due notice of any such arrangement being given by public proclamation.

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III. *First*,—The said Commissioners shall possess and exercise, each within the cities and districts comprised in the division placed under his authority, all the powers that may be now legally exercised by Judges of Circuit when holding the Sessions of jail delivery, or by the Courts of Circuit collectively.

Second,—The said Commissioners shall hold Sessions of jail delivery for the several districts within their respective divisions at such periods as may from time to time be fixed

under orders of Government. Due notice of the time and order fixed for the same shall be published by proclamation within the several districts and the thannahs thereunto appertaining; and not less than two jail deliveries shall be held in each year for each of the said districts. Provided, also, that it shall be competent to the said Commissioners, whenever the ends of justice may require the measure, or they may be instructed by the Nizamut Adawlut to do so, to hold a general jail delivery for any of the cities and districts under their authority, or to proceed to the trial of any commitment or commitments made by the Magistrate or Joint Magistrate of any such city or district, at any time previous to the period ordinarily fixed for the Session.

Third,—The jail deliveries shall ordinarily be held at the station of the Magistrate or Joint Magistrate making the commitments; but it shall be competent to the Governor-General in Council, and to the Nizamut Adawlut, with the authority of Government, to direct the Sessions for any district which is under the authority of a Joint Magistrate to be held at the sudder station of any of the zillahs in which the thannahs constituting the jurisdiction of such officer, or any of them, may be situated, provided that such station shall be within the division of the Commissioner to whom the Joint Magistrate is subordinate.

Fourth,—The Commissioners, when about to hold a jail delivery, or to try any commitment, as above provided, shall and may require the attendance of any of the Mahomedan Law Officers of the Zillah or City Courts within their division, or when at the station of a Provincial Court, of any of the Law Officers attached to such Court; and the Law Officer so required to attend shall perform the duties that now belong to the Law Officers of the Courts of Circuit.

IV. *First*,—The said Commissioners shall, until otherwise specially provided for by law, possess and exercise, within the several districts comprised in their respective divisions, the powers and authority now vested in the Boards of Revenue and Courts of Wards, subject to the control and direction of a Sudder or Head Board, to be ordinarily stationed at the Presidency, unless otherwise directed by the Governor-General in Council, and to such restrictions and provisions as the Governor-General in Council, or the said Sudder Board, with his authority or sanction, may prescribe.

Second,—In regard to the form of their proceedings in the Revenue Department, the Commissioners and the Sud-

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der Board shall be guided by such orders as the Governor-General in Council may from time to time issue; and it shall be competent to the Governor-General in Council to fix the stations at which the Board and the Commissioners, when not employed on the duties of Circuit, shall reside, at such places within the territories belonging to this Presidency as may from time to time be deemed expedient.

Third,—Provided, also, that in cases in which any tract of country that belongs to the jurisdiction of a Magistrate or Joint Magistrate of one division may be under the authority of a Collector or Deputy Collector attached to another division, the Governor-General in Council shall determine, by an order in Council, the nature and extent of the powers to be exercised in regard to the Revenue affairs of such tract by the Commissioners respectively with whose divisions it may be so jointly connected.

V. *First*,—The powers and authority now belonging to the Judges of the Provincial Courts of Appeal for the Divisions of Calcutta, Dacca, Moorsheedabad, Patna, Benares, and Bareilly, in their capacity of Judges of Circuit, shall cease; and Regulation XVII., 1825, and all other Regulations which define the local jurisdictions of the several Courts of Circuit, or which fix the time and order in which the several jail deliveries are to be held, together with all provisions that prescribe, or can be construed to prescribe, that the powers and authority of the Courts of Circuit shall be attached to the said Courts of Appeal, or which require the attendance and *futwa* of the Law Officers of the said Courts, upon any trial or trials to be held before the Courts of Circuit, otherwise than as above provided for, or which may not be consistent with the transfer to the Commissioners of Revenue and Circuit, to be appointed under this Regulation, of all the powers and authority heretofore belonging to the Courts of Circuit, are hereby rescinded.

Second,—Provided, however, that the foregoing provisions shall not operate to prevent the Judges of Circuit, who may be holding the Sessions of jail delivery of any of the zillahs or cities above specified at the time when this Regulation may be promulgated in the district, from completing that duty under the Regulations heretofore in force. Provided, further, that it shall be at all times competent to the Governor-General in Council to direct any Commissioner, Judge of Appeal, or other Judge, not being the Magistrate by whom the commitments were made, to hold the Sessions of jail deli-

very for any city or zillah, with the powers and authority of a Court of Circuit, without vesting him with the general powers of a Commissioner within the division, whenever the arrangement may appear to be necessary for the prompt and efficient administration of justice, and circumstances may render it inconvenient to appoint such officer to officiate with all the powers of the Commissioner of the division.

VI. Such of the provisions of the existing Regulations for defining the duties and powers of the Revenue Boards and Courts of Wards, or of single members thereof, as may be inconsistent with the arrangement above prescribed, are and shall be considered to be annulled.

VII. The offices of Superintendents of Police in the Lower and Western Provinces are hereby abolished, and the provisions of Regulation X., 1808, and other Regulations subsequently enacted in regard to the said offices, are hereby rescinded; provided, however, that the Commissioners of Revenue and Circuit shall and may, for their respective divisions, perform all the duties and exercise the powers heretofore belonging to the Superintendents of Police, save and except those vested in them by Regulation X., 1824, in regard to the pardon of persons charged with or suspected of criminal offences previously to the trial of the case at Sessions. The several Magistrates and Joint Magistrates are authorized to tender a pardon in the several cases specified in the said Regulation, without reference to any other authority, subject to the other provisions therein contained, and under their general responsibility to the superior Courts and Government for the sound exercise of the discretion vested in them.

VIII. The Commissioner for the Division of Cuttack and Midnapore shall possess and exercise, throughout the districts under his authority, the same powers as belong to him in the first-mentioned province. But so much of Clause 5th, Section 5, Regulation V., 1818, as provides that the decisions passed by the Commissioner in original Civil suits, or in appeals cognizable by him, shall, with the exception therein stated, be final, is hereby rescinded; and the Commissioner shall accordingly, in his capacity of a Judge of Appeal, be subject to the Sudder Dewanny Adawlut, in like manner as other Provincial Judges. Provided, also, that in the Revenue Department the Commissioner shall be subject to the Sudder Board, in like manner as the Commissioners of other divisions.

IX. *First,*—The Commissioners of Arracan and Assam shall possess and exercise, within the districts of Bengal which

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are by this Regulation attached to their respective divisions, the same powers as belong to the Commissioner of Cuttack, modified as above.

Second,—The like powers shall belong to the Commissioner for the districts of the Northern Doab, Scharunpore, Mozuffernuggur, Meerut, and Boolundshuhur; provided, also, that in regard to those districts the Resident at Delhi shall possess and exercise the powers now vested in the Courts of Sudder Dewanny and Nizamut Adawlut, together with those which are in other parts of the country to be exercised by the Sudder Board; and so much of the existing Regulations as vest the said Courts with Civil and Criminal jurisdiction within the said districts is hereby rescinded. Provided, however, that the Nizamut Adawlut shall complete the trial of all Criminal cases referred to them prior to the date on which this Regulation takes effect, and that the Courts of Sudder Dewanny Adawlut shall and may, excepting in cases in which the appellant may pray to have his case transferred to the Resident's Court at Delhi, proceed to the decision of all cases now actually before them in appeal, or which may be appealed to them before the date fixed for the operation of this Regulation, and do and order all things necessary to the investigation and decision of the cases, or to the execution of their decrees and judgments, in like manner as they might do and order in the other districts of the Ceded and Conquered Provinces.

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A. D. 1829.—REGULATION III.:

A REGULATION FOR AMENDING REGULATION VIII., 1825.

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VI. Such parts of Section 12, Regulation XXV., 1803, and of Clause 1st, Section 2, Regulation VIII., 1825, as have been construed to prohibit Collectors and all Judicial Officers from employing any persons, not being public officers, duly appointed or nominated, in conformity with the rules in force relative to such appointments, in the discharge of any part of their public duties, are hereby declared not to extend to the employment of individuals in the copying of papers and proceedings, or in similar functions, for the due execution of which the proper officers must be held responsible. The rules, however, contained in the clause last mentioned, and in Regulations II., 1793, and V., 1795, prohibiting Collectors and Judicial Officers from so employing, directly or indirectly, their private servants, of whatsoever description, shall remain in full force.

A. D. 1831.—REGULATION X.:

A REGULATION FOR VESTING IN A DEPUTATION FROM THE SUDDER BOARD OF REVENUE, TO BE ORDINARILY STATIONED AT ALLAHABAD, THE EXCLUSIVE CONTROL OVER THE REVENUE AFFAIRS OF THE PROVINCE OF BENARES, THE CEDED AND CONQUERED PROVINCES, INCLUDING THE DISTRICTS OF MEERUT, SAHARUNPORE, MOZUFFERNUGGUR, AND BOOLUNDSHUHUR (WHICH ARE NOW SUBJECT TO THE CHIEF COMMISSIONER AT DELHI), THE PROVINCE OF KUMAON, AND THE SAUGOR AND NERBUDDA TERRITORIES.

WHEREAS it appears requisite for the efficient superintendence of the settlements now in progress in the Western Provinces, and generally for the due superintendence of the Revenue arrangements in those remote dependencies, to provide for the temporary deputation of one or more members from the Sudder Board, to be ordinarily stationed at Allahabad, and to possess exclusive control in those matters over the tracts of country placed under their management; and whereas it is necessary for this purpose to divest members of the Sudder Board, who may be stationed at the Presidency, of all power and authority within the tracts in question, the following rules have been enacted, to be in force from the 1st of January, 1832, throughout the provinces immediately subject to the Presidency of Fort William:—

II. So much of Section 4, Regulation I., 1829, as provides that the several Commissioners of Revenue shall be subject to the control and direction of a Sudder or Head Board, whose jurisdiction is declared to extend over the whole of the divisions specified in that Regulation, with the exception of the tracts of country exempted from such jurisdiction by Clause 2, Section 9, is modified, as follows:—

III. It shall be competent to the Governor-General in Council to depute one or more members of the Sudder Board, to be ordinarily stationed at Allahabad, and to exercise exclusive control and direction over the Revenue affairs of the tracts hereinafter mentioned, in like manner as is now exercised by the Sudder Board at the Presidency.

IV. So much of Clause 2, Section 9, Regulation I. of 1829, as declares that the Resident of Delhi shall possess and exercise within the districts of the Northern Doab, Seharunpore, Mozuffernuggur, Meerut, and Boolundshuhur, the same powers which are in other parts of the country exercised by the Sudder Board, is hereby rescinded.

V. The jurisdiction of the Sudder Board on deputation shall comprise the tracts of country situated within the 1st to

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the 9th divisions, inclusive, containing the districts specified in Section 2, Regulation I., 1829, together with the Province of Kumaon and the Saugor and Nerbudda territories.

VI. From and after the date of the promulgation of this Regulation, the Sudder Board of Revenue at the Presidency, and the Chief Commissioner at Delhi, shall cease to exercise any interference with or control over the divisions and tracts specified in the preceding Section. Provided, however, that the Sudder Board of Revenue stationed at the Presidency shall complete the decision of all cases now actually before them in appeal, or which may be appealed to them before the date fixed for the operation of this Regulation, and shall be competent to do and order all things necessary to the investigation and decision of the cases, or to the execution of such of their decrees or orders as may be in train of execution, excepting in cases in which the appellant may pray to have his case immediately transferred to the Sudder Board on deputation.

VII. In the conduct of the Revenue duties of the tracts of country comprising the Province of Kumaon and the Saugor and Nerbudda territories, as well as those relating to the Customs, Abkarree, Stamps, and other miscellaneous items, as to the land revenue, the local authorities shall observe the rules and principles of the general Regulations, with such limitations and restrictions as may be provided in the instructions they may receive from the Sudder Board on deputation or the Governor-General in Council.

VIII. The whole of the powers and authority now vested in the Sudder Board at the Presidency are hereby declared to belong to the members on deputation, within the tracts subject to their control, so long as this Regulation shall remain in force, who shall also be guided in their official proceedings by the existing rules applicable to that Board, subject to such restrictions and provisions as the Governor-General in Council may prescribe.

IX. Whenever and so often as the number of members present with the Board on deputation shall be reduced to one, or when two shall be present, and a difference of opinion arise in regard to any matter which under the existing Regulations may require the concurrence of two voices, the question shall be referred for determination to the Sudder Board at the Presidency.

X. In like manner, whenever and so often as the number of members present with the Sudder Board at the Presi-

dency shall be reduced to one, or when two shall be present, and a difference of opinion arise in regard to any matter which under the existing Regulations may require the concurrence of two voices, the question shall be referred for determination to the Sudder Board on deputation; and in both cases the decree, award, or order in the matter referred shall be made according to the resolution of the majority of the members.

XI. *First*,—Nothing, however, contained in this Regulation shall be construed to bar the competency of the Governor-General in Council, by an order in Council, to authorize a single member of the Sudder Board, either at the Presidency or on deputation, to exercise, either generally or locally, within the limits of their respective jurisdictions, all the duties, powers, and authority which are vested in those Boards collectively, whenever circumstances may render such an arrangement desirable.

Second,—It shall further be competent to the Governor-General in Council to fix the station at which the Sudder Board on deputation shall reside, at such place within the territories belonging to this Presidency as may from time to time be deemed expedient.

A. D. 1833.—REGULATION I.:

A REGULATION FOR VESTING IN THE SUDDER BOARD OF REVENUE AT ALLAHABAD THE SUPERINTENDENCE OF THE CUSTOMS AND TOWN DUTIES IN THE TERRITORIES TO WHICH THE REVENUE JURISDICTION OF THAT BOARD EXTENDS.

WHEREAS it is deemed requisite to transfer the powers and authority in respect to the Customs and Town duties now exercised by the Board of Customs, Salt, and Opium at the Presidency, to the Sudder Board of Revenue at Allahabad, so far as the territories are concerned which are under the jurisdiction in Revenue affairs of the latter Board, the following rules have been enacted, to be in force from the date of their promulgation:—

II. So much of Regulations IX. and X., 1810, Regulation IX., 1826, and of any other existing Regulation, as vests the Board of Customs, Salt, and Opium with the control over the Customs and Town-duty Departments in the provinces which, by Regulations X., 1831, and V., 1832, have been placed in matters of Revenue under the management of the Sudder Board at Allahabad,* is hereby declared subject to the following modification:—

* Agra.

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III. The Sudder Board of Revenue at Allahabad* shall from the date of the promulgation of this Regulation possess and exercise a general power of control and supervision over the Customs and Town duties, and over the Officers charged with the administration of these branches of Revenue in the Province of Benares, the Ceded and Conquered Provinces, the territory formerly subject to the authority of the Chief Commissioner at Delhi, the Province of Kumaon, and the Saugor and Nerbudda Dependencies; and the Board of Customs, Salt, and Opium shall cease to have any jurisdiction relating to Customs and Town duties in the said tracts of country.

A. D. 1837.—ACT XXI.:

I. It is hereby enacted that, from the 1st day of October, 1837, it shall be lawful for the Governor in Council of any Presidency of which there is a Council, and for the Governor of any Presidency of which there is no Council, to dispense with any oath which by any Regulation of that Presidency, or by any Act of the Governor-General of India in Council, is now required to be taken, and that it shall be lawful for the Lieutenant-Governor of the North-West Provinces to dispense with any oath which by any Regulation or any Act of the Governor-General of India in Council now in force within those Provinces is now required to be taken.

II. Provided always that the dispensing power given by this Act shall not extend to any oath now required by law to be taken in any stage of any judicial proceeding.

III. And it is hereby enacted that whenever any oath is dispensed with under the authority given by this Act, the person who, but for such dispensation, would have been legally required to take such oath, shall, in the presence of the functionary by whom, but for such dispensation, such oath would have been administered, make and subscribe a declaration in writing to the same effect with such oath.

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A. D. 1841.—ACT XXX.:

AN ACT FOR REPRESSING OBSTRUCTIONS TO JUSTICE IN CERTAIN COURTS OF THE EAST INDIA COMPANY.

* * * * *

II. And it is hereby further enacted that the Sudder Board of Revenue, the Local Commissioners, or other Officers exercising the powers of either of those authorities, the Collectors, or other Officers exercising the powers of Collector, shall

be competent to punish any obstruction of the nature aforesaid by fine to an extent not exceeding two hundred rupees, and in case such fine be not paid, by imprisonment in the Civil Jail for a period not exceeding one month. Provided that the orders passed in such cases shall be subject on appeal to the revision and control of the superior Revenue authorities, as in all others, and shall, as well as the sentences passed under Section 1 of this Act, be carried into effect by the Magistrate, on application being made to that Officer in the usual mode.

III. And it is hereby enacted that Section 42, the further proviso contained in Section 74, Regulation XXIII., 1814; Clauses 2nd and 3rd, Section 5, and Section 6, Regulation XII. of 1825 of the Bengal Code, are repealed.

A D. 1850.—ACT XVIII.:

AN ACT FOR THE PROTECTION OF JUDICIAL OFFICERS.

FOR the greater protection of Magistrates and others acting judicially; It is enacted as follows:—

No Judge, Magistrate, Justice of the Peace, Collector, or other person acting judicially, shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of, and no Officer of any Court, or other person bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector, or other person acting judicially, shall be liable to be sued in any Civil Court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the person issuing the same.

A. D. 1822.—REGULATION XI.

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XXXVIII. It is hereby declared and enacted that Government is not and shall not be held liable for any error or irregularity which may have occurred or shall occur in any order, proceeding, or decree of any Court of Judicature, whether a Revenue or other Officer of Government may or may not have been or shall or shall not be employed in giving effect to the order, proceeding, or decree deemed to be erroneous or irregular. Nor shall any Officer of Government be held liable for anything done or suffered in conformity with an order, proceeding, or decree of a Court as aforesaid, and if any

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person or persons shall sue Government or any Officer of Government for anything done or suffered under an order, proceeding, or decree of Court as aforesaid, such person or persons shall be non-suited, with costs. The same principle is and shall be held applicable to all orders, proceedings, or decrees made, held, or passed by any public Officer, in virtue of powers vested in him for the judicial cognizance of any pleas, suits, complaints, or informations whatsoever, unless otherwise specially provided.

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B.—LEGAL LIABILITIES.

A. D. 1829.—REGULATION XIII. :

A REGULATION FOR ABOLISHING THE OFFICE OF SUPERINTENDENT AND REMEMBRANCER OF LEGAL AFFAIRS.

WHEREAS it is deemed expedient to abolish the office of Superintendent and Remembrancer of Legal Affairs, the following rules have been enacted, to be in force from the date of their promulgation :—

II. Regulation VIII., 1816, is hereby rescinded.

III. In carrying into effect the provisions of the 2nd and 3rd Clauses of Section 3, Regulation II., 1814, in regard to the propriety of authorizing a recourse to judicial process, the Commissioners and Sudder Board of Revenue, appointed under Regulation I., 1829, and the Board of Trade, and the Board of Customs, Salt, and Opium, shall be guided by the rules which were in force previously to the enactment of Regulation VIII., 1816.

IV. The following rules are re-enacted from Regulation VIII., 1816 :—

Clause First,—In modification of the rule contained in the 2nd Clause, 37th Section, Regulation XXVII., 1814, the following provisions are enacted :—

Second,—On the occasion of vacancies occurring in the office of the Vakeels of Government in the Courts of Justice, such Courts shall not nominate any individual to succeed to the office, but shall merely report the circumstance, for the information of Government, to the Secretary in the Judicial Department.

Third,—It will rest with Government to ascertain, by such enquiries as they may deem necessary, which of the

constituted Pleaders of the Court is best fitted by his qualifications and character to succeed to the vacant office, and to appoint such individual accordingly.

* * * * *

ACT VIII. OF 1859 (CIVIL PROCEDURE CODE):

OF THE JURISDICTION OF THE CIVIL COURTS,—OF SUITS AGAINST GOVERNMENT AND PUBLIC OFFICERS.

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LXVII. If the suit be against the Government, the summons shall be served on the Government Pleader. The Court, in fixing the day for the Government to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Pleader to appear and answer on behalf of Government, and may extend the time at its discretion, on the application of the Government Pleader. The Court may also, if it think proper, direct the attendance of a person who may be able to answer all material questions relating to the suit.

LXVIII. If the suit be against an Officer of the Government for an act which the plaintiff alleges to have been done by such Officer in his official capacity, the summons shall be served upon such Officer in the manner hereinbefore provided.

LXIX. If the Officer on receiving the summons shall consider it proper to make a reference to Government before answering to the plaint, he may move the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channels; and the Court upon such motion may extend the time for so long as shall appear to it to be requisite.

LXX If the Government shall undertake the defence of the suit, the Government Pleader shall be furnished with authority to appear and answer to the plaint; and, upon motion made by him, the Court shall order a note to that effect to be entered in the register.

LXXI. If such motion shall not be made by the Government Pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest before judgment.

LXXII. If in any such suit the Court shall require the personal appearance of the defendant, and the defendant shall

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satisfy the Court that he cannot absent himself from his duty without injury to the public service, the Court shall exempt him from such appearance, but he shall be liable to be examined in any way in which an absent witness may be examined.

* * * * *

CCI. If the decree be for money, it shall be enforced by the imprisonment of the party against whom the decree is made, or by the attachment and sale of his property, or by both, if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this chapter against a defendant. When the decree is against Government, or against any Officer acting on behalf of Government, if the Officer whose duty it is to satisfy the decree neglect or refuse to satisfy the same, the Court shall report the case, through the Sudder Court, for the orders of Government, and execution shall not issue on the decree, unless the same shall remain unsatisfied for the space of three months from the date of such report.

C.—LOCAL AND VILLAGE OFFICERS.

A. D. 1808.—REGULATION IV.:

A REGULATION FOR THE APPOINTMENT AND ADMINISTRATION OF THE OFFICE OF CANOONGOE IN THE CEDED AND CONQUERED PROVINCES, AND IN THE PROVINCE OF BENARES.

THE office of Canoongoe having been found of great utility under the former Governments of the Ceded and Conquered Provinces, and being calculated to render much public benefit in those Provinces, and in the Province of Benares, under proper rules and restrictions, the Governor-General in Council has been pleased to pass the following Regulation, to be in force from the 5th of September, 1808, corresponding with the 22nd Bhadoon, 1215, Bengal era, the 1st Assin, 1216 Fuslee, the 22nd Bhadoon, 1215 Willaity, the 1st Assin, 1865 Sumbut, and the 13th Rajeeb, 1223 Hijeree.

II. Two persons shall be immediately appointed in every pergunnah in the Ceded and Conquered Provinces, and in the Province of Benares, to execute the office of Canoongoe.

III. These Officers shall be selected in all practicable cases by the Collectors from the number of the Canoongoes who have heretofore discharged the duties, and shall be nominated for the approval of the Board of Commissioners in the Ceded and Conquered Provinces, and for the approval of the Board of

Revenue in the Province of Benares, and shall not be removable from office except for sufficient cause, proved to the satisfaction of those authorities, under the provisions of Regulation V., 1804.

IV., The office of Canoongoe is declared not to be hereditary; but in the original nomination, and in supplying future vacancies, the Collectors shall make it a rule in all practicable cases to select, from the families of the Canoongoes, such persons as from character, education, and acquirements shall be best qualified to perform the duty.

V. The Canoongoes appointed under this Regulation shall receive such salaries as the Governor-General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances under the denomination of Nankar, and any other denomination. It is also hereby declared that the revenue of the lands hitherto held by the Canoongoes generally, in the Ceded and Conquered Provinces, in virtue of their offices, will be liable to resumption by Government, and that this rule shall be considered applicable both to the persons who may be continued in the office of Canoongoe under the persent Regulation, and to those who may be discharged from the public service. Nothing, however, contained in this provision shall be construed to preclude the Governor-General in Council from continuing to either of those classes of persons the whole or a part of the lands hitherto held by them respectively, free of assessment, in those cases. in which the circumstances of the parties may appear to require that indulgence.

VI. The above rule is not to preclude claims to rent-free lands, or pensions held by the Canoongoes under grants made to the individuals for reasons unconnected with the office of Canoongoe.

VII. The Canoongoes are to execute the duties herein specified:—

First,—To keep a counterpart jumma wasil bakee, or account of the collections of the Tehseeldars from estates, the settlement of which has been concluded, and of the collections made by the Tehseeldars, or by Sezawuls, from lands held khas, or under attachment.

Second,—To keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the Collector all escheats of such lands to Government.

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Third,—To keep a list of the Putwarees in each village, and a register of pottahs granted by the landholders to their under-tenants.

Fourth,—To keep a register of all transfers of estates by sale (public or private), mortgage, lease, or otherwise, and to attest such transfers at the request of the parties, without fee or gratuity, with their official signatures.

Fifth,—To compile information regarding local boundaries of pergunnahs and estates, the number and names of villages, articles of produce, rates of rent, rules and customs established in each pergunnah; and to furnish, at the requisition of the Courts of Justicé and of the Collectors, all local information within their cognizance.

Sixth,—To assist at all admeasurements of land, whether undertaken by the Officers of Government, in conformity to the Regulations, or by the landholders or ryot, and to record the same.

Seventh,—To prepare and keep the information and accounts directed in this or any future Regulation, in such manner and form as may be from time to time prescribed by the Board of Revenue and Board of Commissioners respectively.

Eighth,—To report to the Collector the death of a Malgoozar, and the name of this heirs, and to keep a register of all successions to lands.

VIII. Persons who may be selected to fill the office of Canoongoe are hereby prohibited from holding farms, or from becoming sureties for farmers, or zemindars, within the local limits of their official duties.

IX. On the death, resignation, or removal of a Canoongoe, the records of the office are to be made over to his successor; and the Magistrate of the zillah is enjoined, on the application of the Collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section to deliver them up, on the requisition of the Magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the Regulations for resistance to the process of the Magistrate.

XI. Nothing contained in this Regulation shall be construed to preclude the Governor-General in Council from exercising the right of decreasing the number of Canoongoes, of abolishing the office in any pergunnah where, from local circumstances, the duty may be performed by less than two persons or by the Canoongoes in a neighbouring pergunnah ; nor from exercising the right to increase the number of Canoongoes in any pergunnah where from circumstances more than two may be found necessary.

XII. The Collectors are enjoined to report to Government, through the Board of Revenue or the Board of Commissioners, according as the pergunnahs may be situated in the Province of Benares, or in the Ceded and Conquered Provinces, all instances wherein they may deem it expedient to increase or diminish the number of Canoongoes in a pergunnah, with their reasons at large for such opinion.

A. D. 1817.—REGULATION XII.:

A REGULATION FOR SECURING THE BETTER ADMINISTRATION OF THE OFFICE OF PUTWAREE IN THE CEDED AND CONQUERED PROVINCES, THE PROVINCES OF BEHAR AND BENARES, THE DISTRICT OF CUTTACK, THE PERGUNNAH OF PUTTASPORE AND ITS DEPENDENCIES.

THE existing regulations regarding Putwarees have been found to be in many respects defective, and great difficulties and delays have consequently been experienced in the division of estates, the adjustment of the revenue to be assessed on their respective shares, the investigation of summary and other suits for rents, the decision of disputes relating to the limits of estates and villages, and the execution of decrees of the Courts of Judicature, in regard to the possession and property of land. The reform of the office appears therefore to be an object of the highest importance; but, as for the full attainment of that object, the establishment of Pergunnah Canoongoes is also requisite, it is deemed advisable to confine the operation of the rules to be enacted for the above purpose to those parts of the country in which Canoongoes are already established, or in which arrangements are in progress for the revival and organization of that office. The following rules have therefore been enacted, to be in force from the date of their promulgation throughout the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspore, and the several pergunnahs dependent on it.

II. Section 62, Regulation VIII., 1793; Section 3, Regulation IV., 1794; Section 9, Regulation XXVII., 1795; and Re-

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gulation XXIX., 1803; and such parts of Clause 4, Section 23, Regulation VII., 1799, Section 25, Regulation V., 1800; Section 8, Regulation I., 1801, as refer to the appointment of Putwarees, are hereby rescinded in so far as regards the abovementioned divisions of the country.

III. Every village paying or liable to pay the public revenue shall have a separate Putwaree, except in cases where the Board of Revenue, or other authority exercising the power of that Board, shall, in consideration of former usage or other sufficient cause, authorize one Putwaree to do the duty of two or more villages, or direct two or more Putwarees to be established in a single village.

IV. All persons at present holding the office of Putwaree are to be continued in their situations, subject to removal under the rules hereinafter prescribed; and all Zemindars or other proprietors of any village or villages paying revenue to Government, or farmers engaging with Government for the public revenue, shall, within three months from the promulgation of this Regulation, transmit to the Collector of the district a statement showing the name or names of such village and villages, with the name or names of the Putwaree or Putwarees of such village or villages.

V. In like manner, where any village or villages paying revenue to Government shall at present have no Putwaree established therein, the Zemindar or other landholder or farmer of such village or villages engaging with Government for the public revenue, shall proceed to nominate a Putwaree or Putwarees for such village or villages, and shall report such nomination to the Collector of the district within three months of the promulgation of this Regulation.

VI. The Collector shall, as soon as practicable, prepare a register of the Putwarees in their respective districts, showing the name of each individual, and the village or villages in which he officiates.

VII. Whenever a vacancy may occur in the office of Putwaree, such vacancy shall be filled on the nomination of the Zemindar or other landholder or farmer engaging with Government for the public revenue, who is hereby enjoined to report such nomination to the Collector of the district within one month after the vacancy has taken place: provided, however, that in such nomination the Zemindar or other landholder or farmer shall be generally guided by the custom which may heretofore have prevailed in the village in respect to the suc-

cession of Putwarees, and shall not deviate therefrom without previously obtaining the sanction of the Collector; and it shall be the duty of the Collectors carefully to see that this rule is observed, and particularly that the just rights of the inferior Putteedars, or sharers in joint undivided estates, and of dependent Talookdars, or other under-tenants of the lands, as connected with the appointment of Putwarees, are duly maintained.

VIII. On receiving the report of the nomination of a Putwaree, as directed to be made in the foregoing section, the Collector is to insert the name of the party in the register of Putwarees for his district, unless he shall see good and sufficient ground to object to the person so nominated as disqualified for the office,—in which case he is immediately to submit his objections to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be; and the Board or Commissioner will decide whether the Zemindar or farmer shall be called upon to nominate another person, or pass such other order on the question as may appear just and right.

IX. The proprietors of joint and undivided estates engaging jointly for the public revenue shall be considered jointly and severally bound to furnish the Collector with the statement required in Section 4, and to nominate a Putwaree in the mode prescribed in Sections 5 and 7 of this Regulation, or to show sufficient cause for their failing to do so.

X. In estates held khas, and in estates under the Superintendence of the Court of Wards, the Putwaree shall be appointed by the Collector.

XI. Should any Zemindar or other proprietor or farmer refuse or omit to furnish the statement required by Section 4, or to nominate a Putwaree in the cases provided for in Sections 5 and 7 of this Regulation, within the time prescribed in those sections, and shall fail to show good cause for such neglect and failure, it shall be competent to the Collector, with the approval of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, to levy a daily fine upon him until a Putwaree is nominated, or, with such approval, himself to nominate a qualified person for the office.

XII. Whenever a Zemindar or farmer engaging with Government for the public revenue may wish to remove a Putwaree from office, he is to state his reasons for so doing to the Collector of the district, who, if they appear good and

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sufficient, will authorize the removal of the Putwaree, but not otherwise.

XII. Any Zemindar or other landholder or farmer of land removing a Putwaree from office, without the authority of the Collector obtained in the mode prescribed in the preceding section, shall be punished by a fine not exceeding fifty rupees for the first offence, and one hundred rupees for the second offence; and if it should appear on investigation by the Collector that the removal was unjust and without sufficient cause, the said Zemindar or other landholder or farmer of land shall be further subject to a daily fine, with the approbation of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, but not otherwise, until the Putwaree be restored.

XIV. Whenever the inferior Putteedars or sharers, or the ryots or under-tenants of a village, may petition the Collector for the removal of a Putwaree, the Collector shall direct such removal, and shall call upon the Zemindar or other landholder or farmer of land engaging with Government for the public revenue to appoint another Putwaree, provided the reasons adduced for praying such removal appear to the Collector good and sufficient, but not otherwise.

XV. Whenever a Collector shall see ground to desire the removal of a Putwaree for neglect of duty or other sufficient cause, he is to state his reasons to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, who will authorize removal or not, as may seem proper.

XVI. The duties of the Putwaree shall be—

1*st*,—To keep such registers and accounts relating to the village or villages to which he is appointed, in such manner and form as has heretofore been the custom, or in such other mode as may be hereafter prescribed by the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, together with such further registers and accounts as may be directed by those authorities respectively.

2*nd*,—To prepare and deliver to the canoongoe of the pergunnah, at the expiration of every six months, a complete copy of the aforesaid accounts, showing distinctly the produce of the khurreef and rubbee harvests.

3*rd*,—To perform all other duties and services which it has been customary for him to execute.

XVII. The Board of Revenue, Board of Commissioners, or Commissioner in Behar and Benares, will determine on the mode in which the accounts rendered by the Putwaree to the Canoongoe shall be brought forward by the latter, and recorded in the office of the Collectors.

XVIII. The Putwaree is to be paid hereafter in the same mode as he is now paid, whether in money, or in grain, or in land, or in any other legal manner whatsoever; but it shall be the duty of the several Collectors to complete an account of the mode in which such payment is made in the different pergunnahs or other local divisions of their districts, and to submit the result of their researches to the Board of Revenue, or other authority exercising the powers of that Board; and it shall be competent to the Board of Revenue, or other authority aforesaid, with the sanction of the Governor-General in Council, to increase or reduce the amount of remuneration paid to the Putwarees, and to alter or modify the mode of its payment, in any case in which sufficient cause for the adoption of such a measure shall exist.

XIX. Where a Putwaree has hitherto been appointed, the amount of the remuneration to the Putwaree who may be appointed under this Regulation, and the mode of its payment, shall be regulated by the Collector, with reference to the usage of the adjoining villages.

XX. If the remuneration which a Putwaree has heretofore regularly received, or which may be assigned to him by the Collector, or other competent Revenue authority, be denied to him by the parties who have hitherto paid it, or who may have been directed to pay it by the said authority, he is at liberty to complain against the person so withholding his dues, to the Collector, who will proceed to an immediate investigation of the facts, and decide according to the usage of the villages; and the Collector is hereby authorized to compel payment of the amount due to the Putwaree, and to fine the offending party according to his situation and circumstances in life, provided always that the fine in no instance exceed fifty rupees.

XXI. In all cases in which the decision of the Collector is to be governed by usage, it shall be made an invariable rule to insert, in the original proceedings on the case, the attested report of the Canoongoes of the pergunnah as to the custom or usage in reference.

XXII. Collectors of land revenue are hereby empowered to summon the Putwaree of any village or villages within their respective districts, whenever there may be occasion for

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his attendance on any matter connected with the duties of his office, and to require him to produce all accounts relating to the lands, produce, rents, collections, and charges of the village or villages the accounts of which may be kept by him; and to examine him on oath to the truth of such accounts, and on any other matters relating to such accounts, or regarding the lands, produce, rents, collections, and charges of the village or villages to which the said Putwaree may belong. When a Collector shall require the attendance of a Putwaree for the purpose above stated, he is to serve such Putwaree with a written notice under his official seal and signature, stating the purpose for which his attendance is required, and the papers (if any) which he is to bring with him.

XXIII. If any Putwaree shall neglect or omit to produce his original accounts on the requisition of a Collector, or to give his evidence respecting them, the Collector is hereby authorized and empowered to cause the said Putwaree to be apprehended, and to order him to be confined in the Dewanny Jail of the district until he produce his accounts, or show sufficient cause for not producing them. In such cases, the Putwaree shall be sent by the Collector with a roobakaree to the Judge of the city or zillah, stating the purport of the order passed against him; and the Judge shall, on those grounds, commit the Putwaree to jail, and detain him until he produce the accounts, or until the Collector applies for his release.

XXIV. In like manner, Putwarees shall produce all accounts relating to the lands, produce, collections, and charges of the village or villages the accounts of which may be kept by them respectively, and furnish every information and explanation that may be required regarding them, whenever they may be required by any Court of Justice in any suit that may be depending before the Court; and if any Putwaree shall neglect or omit to attend with his accounts, when required for the adjustment of any matter or dispute depending in Court, the Courts are authorized to order such Putwaree to be committed to close custody until he produce the accounts, or show sufficient cause for not having produced them.

XXV. In any case in which a Collector of land revenue shall have occasion to depute an Officer to examine the accounts of any village or villages, he is authorized to require the Putwarees to attend such Officer, and the Collector is further empowered to grant to such Officer a commission to swear the several Putwarees whose accounts are to be inspected, inserting in the commission the name of each Putwaree to be sworn;

and if any such Putwaree shall neglect or refuse to attend such Officer with his accounts, or to give his evidence respecting them, when duly required to do so by a written notice from the Collector, the Collector is hereby authorized and empowered to proceed against such Putwaree in the same mode as if he had refused or neglected to attend, or to give his evidence before the Collector himself.

XXVI. Any Putwaree giving intentionally and deliberately a false deposition on oath when examined before a Collector, or the Officer of a Collector duly empowered to take his examination, relative to the lands, produce, collections, and charges of the village or villages to which he belongs, shall be held and considered guilty of perjury, and shall be liable, on conviction before a Court of Circuit, to the penalties which are or may be prescribed for that offence in the Regulations; and any person causing or procuring a Putwaree to commit the offence of perjury as above described is hereby declared guilty of subornation of perjury, and punishable under the provisions of the Regulations.

XXVII. In like manner, any Putwaree who shall alter, fabricate, falsify, or mutilate the accounts of the village to which he belongs, or shall furnish to the Canoongoe or Collector, false, fabricated, or mutilated copies of those accounts, shall be held and considered guilty of forgery, and shall be liable, on conviction before a Court of Circuit, to the penalties which are or may be prescribed for that offence in the Regulations; and any person who shall cause or procure any such forgery shall be liable to the same penalties as those convicted of having actually committed the offence.

XXVIII. The several rules in the existing Regulations by which proprietors and farmers of lands sold, or ordered to be sold or divided, or under attachment, are required to attend, or cause their Officers to attend, the Collectors, or Officers deputed by a Collector, with the accounts relating to such lands, and by which such landholders and farmers and their agents are declared responsible for the fidelity and accuracy of such accounts, are to be held and considered in full force, unless where they may be distinctly rescinded, altered, or modified by this Regulation.

XXIX. In like manner, whenever an estate, or the portion of an estate, may be directed to be disposed of at public sale, or may be transferred by the private act of the proprietor or proprietors, or when an estate may be divided pursuant to a decree of a Court of Judicature, or at the request of one or

CHAPTER I. more of the proprietors, or when an estate or portion of an estate may be under attachment, the Collector shall be authorized to require, the attendance of all descriptions of native agents employed by the proprietors or farmers of such estates or farms in the management of their lands, or keeping the accounts relating to them, and to examine or cause them to be examined on oath touching such accounts, in the same manner as he is authorized by Sections 22 and 25 of this Regulation to require the attendance and to take or cause to be taken the examination of Putwarees; and if such agents shall refuse or neglect to attend the Collector or his Officer when their attendance may be duly required, or to give their evidence, the Collector is authorized and empowered to proceed against them in the same manner as is prescribed in the case of Putwarees refusing or neglecting to attend.

XXX. Provided, further, that the rules contained in Sections 26 and 27 shall be held and considered applicable to all such native agents employed by proprietors or farmers of land in the management of their estates or farms, or in keeping the accounts relating to them.

XXXI. Whenever a Collector of land revenue, or other Officer vested with the powers of a Collector, may in any case connected with his public duty, but not provided for in this or any other Regulation in force, have occasion to require the attendance of a Zemindar or other proprietor or farmer of lands, or of the Gomashtah or other Officer or agent of such proprietor or farmer, with the accounts of such lands, he shall report the circumstance to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, according as he may be subject to one or the other of those authorities; and the Boards and Commissioner aforesaid are hereby empowered to grant authority to the Collector or other Officer aforesaid to require the attendance of the proprietor or farmer, or of the Gomashtah or other Officer or agent, with all accounts relating to the lands in their possession or management.

XXXII. A written notice shall in such cases be issued by the Collector or other Officer to the party whose attendance is required, stating the purpose for which he is summoned, and the papers (if any) which he is to bring with him; and if the proprietor or farmer shall omit or refuse to attend, or cause his Officer or agent to attend, by the time prescribed in the Collector's requisition, with the accounts and information required, the Board of Revenue, Board of Commissioners, and

Commissioner in Behar and Benares, as the case may be, are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the Collector's requisition, as they may think adequate to his situation and circumstances in life; reporting, however, the amount for the information of the Governor-General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

XXXIII. In cases in which, from local or other sufficient causes, it may appear impracticable or inexpedient to cause the appointment in any estate or farm of Putwarees, in the mode prescribed in this Regulation,—as, for instance, in certain estates consisting chiefly of hills and forests in the south-western frontier, and in very small mehals, the accounts of which are kept by the proprietors themselves,—it shall be competent to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, to suspend its operation in such estates or farms; provided, however, that in all such cases the person by whom the village accounts are kept, whether proprietor or farmer, or Gomashta or other Officer, shall furnish the Canoongoe of the pergunnah with such accounts and statements as the Collector, with the approval of the Board or Commissioner, may direct, and shall be subject to the provisions contained in Sections 22, 23, 24, 25, 26, and 27 of this Regulation, and the proprietors, or others by whom they may be employed, shall likewise be subject to the provisions contained in Sections 26 and 27.

XXXIV. No Court of Judicature shall take cognizance of the complaint of a Putwaree against the landholder, or the tenants of a village, for refusing to remunerate his labors, nor shall any Court of Judicature take cognizance of any complaint against a Collector for or on account of any decision passed by him in virtue of the powers with which he is vested by this Regulation.

XXXV. It shall be the duty of the Collectors to furnish the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, with a periodical report of all judgments passed by them under Section 20 of this Regulation; and such judgments shall be liable to reversal or alteration by the Board or Commissioner at any time within six months after the passing the same, but not later.

XXXVI. All sums adjudged by the Collector in favor of a Putwaree under Section 20, and all fines directed to be

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levied by this Regulation, shall be recoverable by the same processes as arrears of the public revenue; and all such fines, when recovered, shall be carried to the account of Government.

A. D. 1819.—REGULATION I.:

* * * * *

IV. *Fifth*,—Provided likewise that it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, to make such alteration in the duties to be performed by Canoongoes as local circumstances shall suggest,—anything in Section 7, Regulation IV., 1808, and other corresponding enactments, to the contrary notwithstanding.

ACT No. XX. OF 1865:

AN ACT TO AMEND THE LAW RELATING TO PLEADERS AND MOOKHTARS.

Preamble.

WHEREAS it is expedient to amend the law relating to Pleaders and Mookhtars, and to provide rules for the qualification, admission, enrolment, suspension, and dismissal of Revenue Agents; It is enacted as follows:—

PRELIMINARY.

Short title

I. This Act may be cited as "The Pleaders', Mookhtars', and Revenue Agents' Act, 1865."

Interpretation of terms.

II. In this Act, unless there be something repugnant or inconsistent in the subject or context,—

"Number."

Words importing the singular number include the plural, and words importing the plural number include the singular.

"Section"

"Section" means a section of this Act.

"Person."

"Person" includes any Company or Association, or body of persons, whether incorporated or not.

"Pleader."

"Pleader" includes Vakeels.

"Collector"

"Collector" includes Officers performing any of the duties of a Collector of land revenue.

"Magistrate"

"Magistrate" includes Officers exercising any of the powers of a Magistrate.

"Judge."

"Judge" means the presiding Judicial Officer in every Civil and Sessions Court, by whatever title he is designated.

"Court."

"Court" means all Courts subordinate to the High Court, including Courts of Small Causes.

"District" means the local jurisdiction of the principal Civil Court of Original Jurisdiction, and "District Court" means such Court, and includes Sessions Courts; and for the purposes of this Act the Courts of a Commissioner and Deputy Commissioner, or any other Court in the territories known as Non-Regulation, exercising like powers as those of a Commissioner and Deputy Commissioner, or of a Civil and Sessions Judge.

"District."
"District Court."

And in any part of British India in which this Act operates, "Local Government" denotes the person authorized to administer the executive government in such part; "High Court" denotes the highest Civil Court of Appeal; and "Board of Revenue" denotes the chief Revenue authority therein.

"Local Government."
"High Court."
"Board of Revenue."

III. So far as they affect the territories to which this Act extends, the enactments set forth in the first Schedule hereto are repealed, except so far as they repeal any other enactment, and except as to the recovery and application of any penalty for any offence which shall have been committed before the commencement of this Act.

"Laws repealed."

OF PLEADERS AND MOOKHTARS.

IV. The High Court is hereby authorized and required, within six months after this Act shall take effect in the territories in which such Court exercises jurisdiction, to make rules for the qualification, admission, and enrolment of proper persons to be Pleaders and Mookhtars of the Courts in such territories; for the fees to be paid for the examination, admission, and enrolment of such persons; and, subject to the provisions hereinafter contained, for the suspension and dismissal of the Pleaders and Mookhtars so admitted and enrolled. The High Court may also, from time to time, vary and add to such rules.

High Court to make rules for qualification, &c., of Pleaders and Mookhtars.

V. Except as hereinafter provided, no person shall appear, plead, or act as a Pleader, or appear or act as a Mookhtar, in any Court to which this Act extends, unless he shall have been admitted and enrolled, and shall be

No person to practise as a Pleader or as a Mookhtar unless qualified under this Act.

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otherwise duly qualified to practise as a Pleader or as a Mookhtar, as the case may be, pursuant to the provisions of this Act, and unless he shall continue to be so qualified and enrolled at the time of his practising as a Pleader or Mookhtar as aforesaid; provided that every person who at the time at which this Act shall come into operation in any part of British India shall be, or shall be qualified to act as, a Pleader in any Court in such part, by virtue of any law, rule, or order in force therein, shall be entitled to be admitted and enrolled as a Pleader in the High Court, pursuant to the provisions of this Act, without passing any examination, but subject to the conditions of any certificate or diploma held by him as to the class of Courts in which such certificate or diploma authorizes him to practise.

Saving of Pleaders already qualified.

VI. To facilitate the ascertainment of the qualifications mentioned in the 4th Section, the Local Government shall from time to time appoint persons to be Examiners for the purposes aforesaid, and make regulations for conducting such examinations.

Local Government to appoint Examiners.

VII. The High Court shall cause the name of every person who shall be admitted a Pleader or a Mookhtar pursuant to the provisions of this Act, to be enrolled in books to be provided and kept for that purpose in such Court. The Courts shall take judicial notice whether a Pleader or Mookhtar is enrolled or not.

Names of Pleaders and Mookhtars to be enrolled.

VIII. The High Court shall cause certificates, signed by such Officer as the Court shall appoint, to be issued to persons who have been admitted and enrolled under the provisions of this Act as Pleaders or Mookhtars, and are entitled to practise as such: any such certificate, when renewed, as provided in the 9th Section, may be issued and signed by the Officer so appointed, or by the Judge of the District Court within the limits of whose jurisdiction the holder of the certificate shall then ordinarily practise. Every Judge so renewing a certificate shall notify such renewal to the High Court.

Certificates to be issued to Pleaders and Mookhtars.

IX. Every certificate, whether original or renewed, shall be engrossed upon stamp paper, to be supplied by the person entitled to the certificate, and shall be in the form contained in the second Schedule to this Act; and shall

Form and duration of certificate.

authorize the holder to practise for the period of one year from the date of the certificate; at the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall be entitled to have his certificate renewed, and on every such renewal the certificate then in the holder's possession shall be cancelled, and retained by the Officer or Judge signing the renewed certificate.

Value of stamp on certificate.

X. The stamp on the certificate, whether original or renewed, shall be of the following values:—

On a certificate authorizing the holder to practise as a Pleader,—

(*a.*) In the High Court and any Subordinate Court, rupees fifty.

(*b.*) In the District Courts, Subordinate Courts, and Small Cause Courts, rupees twenty-five.

(*c.*) In the Sudder Ameens' and Moonsiffs' Courts, and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tehseeldars, rupees fifteen.

(*d.*) In the Moonsiffs' Courts, or any Court of first instance not hereinbefore mentioned, rupees five.

On a certificate authorizing the holder to practise as a Mookhtar,—

(*e.*) In the High Court and any Subordinate Court, rupees twenty-five.

(*f.*) In the District Courts, Subordinate Courts, and Small Cause Courts, rupees sixteen.

(*g.*) In the Courts of the Commissioners of Circuit, Magistrates and Subordinate Magistrates, in Sudder Ameens' and Moonsiffs' Courts, and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Tehseeldars, rupees eight.

(*h.*) In the Moonsiffs' Courts, or any Court of first instance not hereinbefore mentioned, rupees four.

Pleaders may practise in Criminal Courts and Revenue Offices.

XI. Pleaders duly admitted and enrolled under this Act may appear, plead, and act in any Criminal Court, or before any Board of Revenue, or in any Revenue Office within the limits of the general jurisdiction of the High Court in which they are enrolled. Mookhtars duly admitted

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and enrolled as aforesaid may, subject to the conditions of their certificates as to the class of Courts in which they are authorized to practise, appear and act in any Civil Court, and may appear, plead, and act in any Criminal Court within the same limits.

Mookhtars may plead in Criminal Courts

XII. Every person who shall have been admitted to practise as a Pleader or Mookhtar under the provisions hereinbefore contained may, subject to the conditions of his certificate as to the class of Courts in which he is authorized to practise, apply to be enrolled in the Court in which he shall desire ordinarily to practise; and on such application he shall be enrolled in a book to be kept for that purpose in such Court; provided that neither this section nor the last preceding section shall apply to any Court established by Royal Charter.

Persons admitted in one Court admissible to practise in other Courts of same or subordinate jurisdiction

XIII. Except as hereinafter provided, any person who shall practise as a Pleader or Mookhtar in any Civil or Criminal Court, or Revenue Office to which this Act extends, without having previously obtained a properly stamped certificate authorizing him so to practise, which certificate shall be then in force, shall be liable, by order of such Court or the Officer at the head of such office, to a fine not exceeding ten times the amount of the stamp required by this Act to be impressed on the certificate which he should then have held; and, in default of payment, to imprisonment in the Civil Jail for a period not exceeding six calendar months. He shall also be incapable of maintaining any suit for any fee or reward for or in respect of anything done, or any disbursement made by him as such Pleader or Mookhtar whilst he shall have been without such certificate.

Uncertificated persons practising as Pleaders or Mookhtars to be liable to fine or imprisonment, and to be incapable of recovering fees

XIV. The High Court may suspend or dismiss any Pleader or Mookhtar enrolled under this Act in such Court who shall be convicted of any criminal offence.

High Court may suspend or dismiss Pleader or Mookhtar convicted of a criminal offence

XV. The High Court may also, after such enquiry as it may deem proper, suspend or dismiss any Pleader or Mookhtar, enrolled as aforesaid, who shall be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

High Court may suspend or dismiss any pleader or Mookhtar practising therein and guilty of unprofessional conduct.

Procedure when charge of unprofessional conduct is brought in a Subordinate Court.

XVI. If any Pleader or Mookhtar, practising in any Court subordinate to the High Court, shall be charged in such Subordinate Court with any such conduct as aforesaid, the Judge or Magistrate of the Court, as the case may be, shall send him a copy of the charge, and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Pleader or Mookhtar at least ten days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered by or on behalf of the party bringing the charge, or by the Pleader or Mookhtar, and shall proceed to adjudicate on the charge. If the Judge or Magistrate shall find the charge established, and consider that the Pleader or Mookhtar should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the High Court, and the High Court shall proceed to acquit, suspend, or dismiss the Pleader or Mookhtar. Such report, when made by any Officer other than the District Judge, shall be submitted to the High Court through the District Judge, who shall accompany the report with any remarks that he may think necessary, and an expression of his own opinion on the case. Such report, when made by a Magistrate subordinate to the Magistrate of the District, shall be submitted through the Magistrate of the District to the District Judge, and shall be accompanied by the remarks and opinion of the Magistrate of the District as aforesaid. The Judge or Magistrate may, pending the investigation and the orders of the High Court, suspend the Pleader or Mookhtar from practising as such in his Court.

Suspension pending investigation.

High Court may call for the record in case of acquittal under Section 16.

XVII. The High Court, in any case in which a Pleader or Mookhtar shall have been acquitted under the last preceding section otherwise than by an order of the High Court, may call for the record, and pass such order thereon as shall seem fit.

Dismissed pleader or Mookhtar to surrender his certificate

XVIII. When any pleader or Mookhtar shall be suspended or dismissed under any of the foregoing sections, he shall forthwith deliver up his certificate to the Court in which he was practising at the time he was so suspended or dismissed, or to any Court to which he shall be ordered by the High Court to deliver the same. If he fail to make such delivery, he shall be liable, by order of such Court, to a fine not exceeding two hundred

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rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months. If, during such suspension or after such dismissal, he shall practise as a Pleader or Mookhtar in any Court, he shall be liable, by order of such Court, to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding six calendar months.

Of Agents practising in the Revenue Offices.

No person to act as Agent in Revenue Offices or Magistrates' Courts, unless qualified as herein provided.

XIX. No person other than a Pleader duly qualified under the provisions hereinbefore contained, or other than persons authorized by such general or special powers of attorney as are hereinafter mentioned, shall practise as an Agent in any proceeding before the Board of Revenue, or in any office subordinate to such Board, unless he shall have obtained a certificate from such Board, in the manner hereinafter provided. Any such certificate, when renewed as provided in the 21st Section, may be issued and signed by the Secretary of the Board, or by any other Officer authorized by the Board in that behalf, or by the Collector of the District within the limits of whose jurisdiction the holder of the certificate shall practise at the time of renewal.

Names of Revenue Agents to be enrolled.

XX. The Board of Revenue shall cause the name of every person (hereinafter called a Revenue Agent), who shall have obtained such certificate, to be enrolled in a book to be provided and kept for that purpose by the Secretary of the Board, or other Officer authorized by the Board in that behalf.

Form of certificate.

XXI. Every such certificate, whether original or renewed, shall be engrossed upon stamp paper, to be supplied by the person entitled to the certificate, and shall be in the form contained in the 3rd Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate. At the expiration of such time, the holder of the certificate, if desirous to continue to practise, shall renew his certificate; and on every such renewal the certificate then in his possession shall be cancelled, and retained by the Officer or Collector signing the renewed certificate. Every Collector so renewing a certificate shall notify such renewal to the Board of Revenue.

Value of stamp.

XXII. The stamp on such certificate, whether original or renewed, shall be of the following values:—

On a certificate authorizing the holder to practise as a Revenue Agent,—

In the Board of Revenue, or in any office subordinate to the Board, rupees fifteen.

In the office of a Commissioner, or in any office subordinate to a Commissioner, rupees ten.

In the office of a Collector, or in any office subordinate to a Collector, rupees five.

Revenue Board to ascertain qualifications of Revenue Agents.

XXIII. The Board of Revenue shall, before they shall grant any such certificate, satisfy themselves of the qualifications and fitness of the person applying for the same; and they are hereby authorized and required, within six months after the commencement of this Act in the part of British India in which such Board is situate, to prepare rules for the purpose of defining what qualifications shall be required for such certificate.

Local Government to appoint Examiners.

XXIV. To facilitate the ascertainment of the qualifications mentioned in the last preceding section, the Local Government shall, from time to time, appoint persons to be Examiners for the purposes aforesaid, and make regulations for conducting the examinations.

Enrolment of Revenue Agent in office in which he shall usually practise.

XXV. Every person who shall have been admitted to practise as a Revenue Agent under this Act may, subject to the conditions thereof as to the class of offices in which he is authorized to practise, apply to be enrolled in the office in which he shall desire ordinarily to practise; and on such application he shall be enrolled in a book to be kept for that purpose in such office. Any such Revenue Agent shall also be entitled, on production of the certificate held by him, and subject to the conditions as aforesaid, to practise as a Revenue Agent in all other Revenue Offices within the limits of the Territory under the Board of Revenue in which he is enrolled.

Board of Revenue may suspend or dismiss Revenue Agent convicted of criminal offence.

XXVI. The Board of Revenue may suspend or dismiss any Revenue Agent, practising in any Revenue Office, who shall be convicted of any criminal offence.

Board may suspend or dismiss Revenue Agent practising before it and guilty of unprofessional conduct.

XXVII. The Board of Revenue may also, after making such enquiry as it may think proper, suspend or dismiss any Revenue Agent practising before such Board, who may

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be guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or for any other reasonable cause.

Procedure when a Pleader is charged with unprofessional conduct before the Board of Revenue.

XXVIII. If any Pleader shall, while practising before such Board, be charged with fraudulent or grossly improper conduct in the discharge of his duty in such practice, the Board shall enquire into the charge and report the result to the High Court; and the High Court, after making such further enquiry as it shall think fit, shall proceed to acquit, suspend, or dismiss the Pleader, and shall thereupon send notice of such acquittal, suspension, or dismissal to the said Board. Pending the investigation and the receipt of the notice last aforesaid, the Board may suspend the Pleader from practising before it.

Procedure when Pleader or Revenue Agent is so charged in any Office subordinate to Board of Revenue.

XXIX. If any Pleader or Revenue Agent shall be charged with any such conduct in any Office subordinate to the Board of Revenue, the Officer at the head of such Office shall send him a copy of the charge, and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the person charged at least ten days before the day so appointed; and on such day, or on any other day to which the enquiry may be adjourned, the Officer shall receive all evidence properly tendered by or on behalf of the person bringing the charge, or by the person charged, and shall proceed to adjudicate on the charge. If the Officer find the charge established, and consider that the person charged should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and report the same to the Board of Revenue; and the Board shall, if the person charged be a Revenue Agent, proceed to acquit, suspend, or dismiss him, and shall, if he be a Pleader, forward such report to the High Court in which he is enrolled. The High Court, after making any further enquiry which it shall think necessary, shall proceed to acquit, suspend, or dismiss the Pleader so charged, and shall thereupon send notice of such acquittal, suspension, or dismissal to the Board by whom such report was forwarded. If the Officer shall be subordinate to the Commissioner of a Division, he shall forward the report through such Commissioner, who shall accompany the same with any remarks that he may think necessary, and an expression of his own opinion on the case.

Power to Board to call for Record.

XXX. The Board of Revenue, in any case in which a Pleader or Revenue Agent shall have been acquitted under the last preceding section, otherwise than by an order of the High Court or Board, may call for the record, and pass such order thereon as shall seem fit, subject in the case of a Pleader to the provisions of the twenty-eighth Section.

Report to High Court when dismissed Revenue Agent is also an enrolled Mookhtar.

XXXI. Whenever a Revenue Agent who has been dismissed or suspended by order of the Board of Revenue shall also be a Mookhtar enrolled under the provisions of this Act, the Board of Revenue shall forward a report of the case to the High Court in which he shall be enrolled; and such Court, after making any enquiry which it may think necessary, may suspend or dismiss him as such Mookhtar.

Section 18 to apply to Vakeel or Mookhtar suspended or dismissed under Sections 28, 29, or 31.

XXXII. The provisions of the eighteenth Section shall apply to any Pleader or Mookhtar suspended or dismissed under the twenty-eighth, twenty-ninth, or thirty-first Section.

Dismissed Revenue Agent to surrender his certificate.

XXXIII. When a Revenue Agent shall be suspended or dismissed under any of the foregoing sections, he shall forthwith deliver up his certificate to the Board of Revenue, or the Officer at the head of the Office in which he was practising at the time he was so suspended or dismissed, or to any other Officer whom the Board may order to receive the same. If he fail to make such delivery, he shall be liable, by order of the Board or such Officer as aforesaid, to a fine not exceeding two hundred rupees, and, in default of payment, to imprisonment in the Civil Jail for a term not exceeding three calendar months.

Penalty on unqualified person practising as Agent.

XXXIV. Every person who shall practise as a Revenue Agent in any Revenue Office in the territories to which this Act extends, without holding a certificate then in force, and without being duly qualified to practise as herein provided, shall be liable, by order of the Board or Officer in whose Office he shall so practise, to a fine not exceeding two hundred rupees, and, in default of payment, to imprisonment in the Civil Jail for a period which may extend to three calendar months. The person so fined as aforesaid shall be incapable of maintaining any suit for any fee or reward for or in respect of anything done or any disbursement made by him in the course of such practising.

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Persons authorized by general or special powers of attorney may be Agents

XXXV. Nothing hereinbefore contained shall prevent any person from employing any other person, though not a Revenue Agent enrolled under the provisions of this Act, to commence and prosecute all business, or any particular business in which the employer may be concerned in any Revenue Office; provided that the person so commencing and prosecuting all or any such business as aforesaid shall hold a general or special power of attorney, as the case may be, in that behalf from the person so employing him; provided also that no person shall act as last aforesaid unless he shall have received the general or the special sanction, as the case may be, in that behalf of the Board of Revenue, or other Officer authorized by the Local Government to grant such sanction.

Sanction required.

Sanction may be revoked or suspended.

XXXVI. Such general or special sanction, as the case may be, may at any time be revoked or suspended by the Board of Revenue, or other Officer as aforesaid, by whom it was granted; and any person who, having received such sanction, shall practise under the nineteenth Section during the continuance of such revocation or suspension, shall be liable to the penalties and incur the disabilities mentioned in the thirty-third Section.

OF THE REMUNERATION OF PLEADERS AND REVENUE AGENTS.

High Court and Revenue Board to fix fees on Civil and Revenue proceedings.

XXXVII. The High Court shall, from time to time, fix and regulate the fees which shall be payable upon all proceedings in the Courts by any party in respect of the fees of his adversary's Pleader; and the Board of Revenue shall, from time to time, fix and regulate the fees which shall be payable upon all proceedings in the Revenue Courts and Offices by any party in respect of the fees of his adversary's Pleader or Revenue Agent. Tables of the fees so fixed shall be published in the official *Gazette*.

Section 37 not to apply to Agents appointed under Section 35.

XXXVIII. The provisions of the last preceding section shall not be applicable to Agents appointed under the thirty-fifth Section.

Clients may make private agreements with their Pleaders, Mookhtars, or Revenue Agents, as to remuneration.

XXXIX. Parties employing Pleaders, Mookhtars, or Revenue Agents in any Court or Office shall be at liberty to settle with them by private agreement the remuneration, to be paid for their professional services;

and it shall not be necessary to specify such agreement in the power under which such Pleaders, Mookhtars, or Revenue Agents for the time being act. Such agreements shall not be enforced otherwise than by regular suit.

MISCELLANEOUS.

Suitors may appear, &c., for co-suitors.

XL. Any suitor may appear, plead, and act in any suit, appeal, or other proceeding, on behalf of any co-suitor; and in all Criminal Courts, any person defending a case may (with the permission of the presiding Judge or Magistrate) employ any other person, though not a Pleader or Mookhtar duly qualified under the provisions of this Act, to assist him in such defence. But no suitor nor person so appearing, pleading, acting, or assisting, shall be entitled to recover any fee or reward therefor.

Prosecutors or prisoners may employ any assistant.

Fees not recoverable by such persons.

Rules to be published in the *Gazette*.

XLI. The rules mentioned in the fourth and twenty-third Sections, and all variations of and additions to such rules, shall be published in three consecutive numbers of the official *Gazette*. Rules made under this Act by a High Court not established by Royal Charter shall, before such publication, be submitted to and approved by the Local Government.

Fines subject to revision.

XLII. Every order for imposing a fine, which shall be passed under this Act, shall be subject to revision by the High Court, if the order shall have been passed by a Court subordinate to the High Court, or by the Board of Revenue if the order shall have been passed by an Officer subordinate to such Board.

Pleaders in Subordinate Courts may apply to District Judge for enrolment.

XLIII. Any person who at the time that this Act shall come into operation in any part of British India shall be practising as a Pleader in any Court in such part, and who shall wish to be enrolled as a Pleader under this Act, may apply to be so enrolled to the Court in which he is practising. Such Court, if subordinate to the High Court, shall forward the application to the High Court. The High Court shall cause the applicant to be enrolled under the provisions of this Act, and, if he be practising in a subordinate Court, shall authorize the District Judge to grant a certificate to the applicant, as provided in the eighth, ninth, and tenth Sections. Applications for enrolment under this section, when made by

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any Pleader practising in a Court subordinate to the District Court, shall be forwarded to the High Court through the District Judge.

Act not to apply to advocates, &c., admitted and enrolled by any High Court under letters patent.

XLIV. With the exception of Section 39, this Act shall not apply to Advocates, Vakeels, and Attorneys-at-law admitted and enrolled by any High Court under the letters patent by which such Court is constituted, nor to Mookhtars practising in such Court; provided that the High Court shall have power to make rules for the qualification, admission, enrolment, suspension, and dismissal of the Mookhtars practising on the appellate side of such Court, and to prescribe penalties for persons practising contrary to such rules or any of them, and from time to time to vary such rules and penalties; provided also that the High Court may from time to time fix and regulate the fees which shall be payable on all proceedings on the appellate side of such Court by any party in respect of the fees of his adversary's Vakeel. The rules, penalties, and fees so made, prescribed, and fixed, and every variation thereof, shall be published in three consecutive numbers of the official *Gazette*.

Advocates and Vakeels enrolled in a High Court may practise in any Court other than a High Court in which they are not enrolled.

XLV. Every person now or hereafter enrolled as an Advocate or Vakeel on the roll of any High Court under the letters patent constituting such Court shall, notwithstanding anything hereinbefore contained, be entitled as such to practise in any Court in British India other than a High Court on whose roll he is not enrolled, or in any such Court with the permission of the Court, and in any Revenue Office, subject nevertheless to the rules in force relating to the language in which the Court or Officer is to be addressed by Pleaders or Revenue Agents; provided that no such Vakeel shall be entitled to practise under this section before a Judge of the High Court, Division Court, or High Court exercising original jurisdiction.

Attorney of a High Court may plead in any Court not a High Court.

XLVI. Every person now or hereafter enrolled as an Attorney on the roll of any High Court shall, notwithstanding anything hereinbefore contained, be entitled as such to *practise* in any Court of British India other than a High Court established by Royal Charter, and in any Revenue Office.

Commencement and extent of Act.

XLVII. This Act shall take effect in the territories under the Governments of the Lieutenant-Governors of Bengal and the North-Western Provinces, respectively, on the first day of January,

1866, and may be extended by order of any other Local Government to the territories subject to such Government. Every such order shall be published in the official *Gazette*.

Repeal of inconsistent enactments in Madras, Bombay, the Punjab, &c.

XLVIII. From the date on which this Act shall be extended by the Local Government, under the provision contained in the last preceding section, to the territories subject to such Government, so much of the Regulations in force therein as is in any way inconsistent with, or repugnant to, any of the provisions of this Act, shall cease to have effect in such territories, except as to the recovery and application of any penalty for any offence which shall have been incurred before such extension of the Act.

ACT No. XXIX. OF 1865:

Passed by the Governor-General of India in Council (received the assent of the Governor-General on the 22nd December, 1865):

AN ACT TO AMEND THE PLEADERS', MOOKHTARS', AND REVENUE AGENTS' ACT, 1865.

WHEREAS it is expedient to amend the Pleaders', Mookhtars', and Revenue Agents' Act, 1865 (Act No. XX. of 1865); It is enacted as follows:—

I. Notwithstanding anything contained in the Pleaders', Mookhtars', and Revenue Agents' Act, 1865, any person who, at the time when such Act shall come into operation, shall be duly qualified to practise as a Pleader or Mookhtar in any Court in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as a Pleader or Mookhtar, as the case may be, in such Court for the period of six calendar months from the time when the said Act shall come into operation in that part of India, without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act had not been passed.

II. All fees which are now by law payable upon proceedings in any Court by any party in respect of the fees of his adversary's Pleader shall continue to be payable, and may be allowed during the said period of six calendar months, as if the said Act had not been passed.

III. Notwithstanding anything contained in the said Act, any person who at the time when such Act shall come into operation shall practise as an Agent in any proceeding before the Board of Revenue, or in any Office subordinate to such Board in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as an Agent before such Board, or in such Office, as the case may be,

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for the period of six calendar months from the time when the said Act shall come into operation in that part of India, without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act had not been passed.

IV. Whenever the High Court shall cause a certificate, whether original or renewed, authorizing the holder to practise as a Pleader in the Courts mentioned in Clause (C) of Section 10 of the said Act, to be issued to a person entitled under the proviso in Section 5 of the same Act to be admitted and enrolled as a Pleader in the High Court without passing any examination, the Court may in such certificate authorize the holder to practise as a Pleader in Small Cause Courts, in addition to the Courts mentioned in the said Clause (C); and he shall thereupon be entitled to practise as last aforesaid, subject to the conditions contained in the said Act as to the duration of, and stamp on, a certificate authorizing the holder to practise as a Pleader in the Courts mentioned in the said Clause (C).

V. In the construction of this Act, and of the said Act No. XX. of 1865, the expression "Office subordinate to such Board," and in the construction of the latter Act the expression "Revenue Office," shall be taken to apply to Collectors and Deputy Collectors trying suits under Act No. X. of 1859 (to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).

VI. This Act shall be read with and taken as part of "The Pleaders', Mookhtars', and Revenue Agents' Act, 1865."

D.—PENALTIES OF MISCONDUCT.

A. D. 1795.—REGULATION XLVIII.:

A REGULATION FOR PROHIBITING COVENANTED CIVIL SERVANTS OF THE COMPANY, EMPLOYED IN THE ADMINISTRATION OF JUSTICE OR THE COLLECTION OF THE PUBLIC REVENUE IN THE PROVINCE OF BENARES, FROM LENDING MONEY TO TALOOKDARS, ZEMINDARS, PUTTEEDARS, OR OTHER ACTUAL PROPRIETORS OF LAND, OR TO FARMERS OF LAND HOLDING FARMS IMMEDIATELY OF GOVERNMENT, OR THE UNDER-FARMERS OR RYOTS OF THE SEVERAL DESCRIPTIONS OF PROPRIETORS AND FARMERS OF LAND ABOVE MENTIONED, OR THEIR RESPECTIVE SURETIES; AND FOR PROHIBITING IN THE SAID PROVINCE EUROPEANS OF ANY DESCRIPTION HOLDING POSSESSION OF LANDS THAT MAY BE MORTGAGED TO THEM, OR PURCHASING OR RENTING LANDS FOR ERECTING HOUSES OR BUILDINGS FOR CARRYING ON MANUFACTURES OR OTHER PURPOSES, WITHOUT THE SANCTION OF THE GOVERNOR-GENERAL IN COUNCIL.

I. THE reasons assigned in the preamble to Regulation XXXVIII., 1793, passed for the Provinces of Bengal, Behar, and Orissa, for preventing the Covenanted Civil Servants of the Company, employed in the administration of justice or the

collection of the revenue from lending money to the land-holders or farmers, or others concerned in the collection or payment of the revenue, and for restricting all Europeans from purchasing or holding lands out of the limits of Calcutta, excepting for the erection of dwelling-houses, or buildings for carrying on manufactures, or for other commercial concerns, and prohibiting them from purchasing or holding such lands even for those purposes without the sanction of the Governor-General in Council, being equally applicable to the Province of Benares, the following Rules have been enacted:—

II. The Judges and Magistrates of the City Court and the Zillah Courts, the Judges of the Provincial Court of Appeal and the Court of Circuit, and the Registers to the several Courts and their Assistants, or other Officers, being Covenanted Servants of the Company, and the Collector of the Revenue and his Assistants, are prohibited from lending money, directly or indirectly, to any proprietor or farmer of land, or dependent Zemindar, or under-farmer, or ryot, or their sureties; and all loans which may be made in opposition to this prohibition after the commencement of the Fuslee year 1203 are declared irrecoverable in any Court of Judicature.

III.* No European, of whatever nation or description, shall purchase, rent, or occupy, directly or indirectly, any land within the Province of Benares without the sanction of the Governor-General in Council; and all persons now so holding land without having obtained such permission, either directly from Government or from any of the residents, or who may hereafter unauthorizedly purchase, rent, or occupy land, shall be liable to be dispossessed of the same, at the discretion of the Governor-General in Council, nor shall they be entitled to any indemnification for buildings which they may have erected thereon, or other account.

IV. Europeans who are not prohibited under Regulation XXXIII., 1795, or otherwise, from lending money to proprietors or farmers of land, dependent Zemindars, Putteedars, under-farmers (&c., as in Section 4, Regulation XXXVIII., 1793).

V. When a European shall be permitted by the Governor-General in Council to purchase, occupy, or rent any land in the Province of Benares, it shall be measured (&c., as in Section 5, Regulation XXXVIII., 1793.)

VI. (Same as Section 6, Regulation XXXVII., 1793, *substituting* "the province" for "their respective zillah.")

* The provisions of Sections III. to VI. are superseded as regards British subjects by Act IV., 1837.

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A. D. 1803.—REGULATION XIX.:

A REGULATION FOR PROHIBITING COVENANTED CIVIL SERVANTS OF THE COMPANY EMPLOYED IN THE ADMINISTRATION OF JUSTICE OR THE COLLECTION OF THE PUBLIC REVENUE IN THE PROVINCES CEDED BY THE NAWAB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY, FROM LENDING MONEY TO ZEMINDARS, INDEPENDENT TALOOKDARS, OR OTHER PROPRIETORS OF LAND, OR DEPENDENT TALOOKDARS, OR FARMERS OF LAND HOLDING FARMS IMMEDIATELY OF GOVERNMENT, OR THE UNDER-FARMERS OR RYOTS OF THE SEVERAL DESCRIPTIONS OF PROPRIETORS AND FARMERS OF LAND ABOVE MENTIONED, OR THEIR RESPECTIVE SURETIES; AND FOR PROHIBITING EUROPEANS OF ANY DESCRIPTION HOLDING POSSESSION OF LANDS THAT MAY BE MORTGAGED TO THEM, OR PRUCHASING OR RENTING LANDS IN THE SAID PROVINCES FOR ERECTING HOUSES OR BUILDINGS FOR CARRYING ON MANUFACTURES OR OTHER PURPOSES, WITHOUT THE SANCTION OF THE GOVERNOR-GENERAL IN COUNCIL.

I. FROM a regard to the prejudices of the natives, and with a view to promote their ease and happiness, and to obviate the evils that would necessarily result from allowing any persons not amenable to the Provincial Court of Judicature in common with the natives to purchase or rent estates without restriction or limitation, or to hold any land whatever, excepting for the erection of dwelling-houses, or buildings for manufactures or other commercial purposes, the Governor-General in Council has been pleased to enact the following rules:—

II. (Same as Section 2, Regulation XXXVIII., 1793, omitting the words "as have been made in opposition to the repeated prohibitions of Government, or which may be hereafter made.")

III. TO VI. (Same as Sections 3 to 6, Regulation XXXVIII., 1793, Substituting "in the Provinces ceded by the Nawab Vizier to the Honorable English East India Company" for "out of the limits of the town of Calcutta.")

A. D. 1803.—REGULATION XXXIII.:

A REGULATION FOR PREVENTING THE EMBEZZLEMENT OF PUBLIC MONEY, AND WITHHOLDING OF PUBLIC PAPERS, BY THE NATIVE OFFICERS OF GOVERNMENT IN THE PROVINCES CEDED BY THE NAWAB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY.

IT being necessary that the Collectors should possess the means of recovering the public dues and papers from Tehseeldars, Sezawuls, Ameens, and other Native Officers, withholding the public money, or omitting to attend the Collectors to adjust their accounts, or retaining papers which came into their possession in their official capacity, the Governor-General in Council has passed the following Rules:—

II. *First*,—The Collector shall take security for the personal appearance of the Tehseeldar, Sezawuls, Ameens, Dewans, Serishtadars, Moonshees, Mohurrirs, and all Native Officers entrusted with the receipt or payment of public money, or the charge of public accounts, who now are or may be hereafter employed under them, in their capacity of Collectors of the Revenue. The surety is to bind himself to produce the Officer for whom he may become security before the Collector, whenever his attendance may be required, until he shall be discharged from the public service, and shall have received a writing from the Collector signifying that he has no demand upon him on the part of Government, either for money, papers, or accounts belonging to the public that may have been committed to him or come into his possession in his official capacity; and, further, that in the event of his not producing such Officer, he will be responsible for all demands that the Collector may have upon him for public money, papers, or accounts, and be liable to be proceeded against in every respect in the same manner as the Officer himself had he been forthcoming. When any such Officer is removed or resigns, the Collector is to grant him an acquittal to the above effect, after he shall have delivered up all public papers, accounts, or money that may have been committed to his charge. The Collectors may require such Officers to give new sureties in cases in which they may have ground to believe that the former sureties, whether admitted by themselves or their predecessors, are not responsible.

Second,—The security which the Tehseeldars appointed under Regulation XXVII., 1803, are required to give by Clause 7, Section 2 of that Regulation, precludes the necessity of demanding any further security from Tehseeldars of the above description under the present Regulation. The responsibility of the sureties of such Tehseeldars is accordingly declared to extend to the several cases provided for in this Regulation.

III. If a Collector shall have a claim on the part of Government on any of the Native Officers described in the preceding section for a balance of accounts, or money or papers belonging to Government, he is to require the payment of the money, or the delivery of the papers, by a writing under his official seal and signature, and the signature of his Dewan, or other head Native Officer of his dufter for the time being; specifying the amount of the money, or the particular papers required, and the date and place that may be fixed for the delivery of the money or papers. If the Officer shall not discharge

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the money, or deliver up the papers by the limited time, the Collector is empowered to apprehend him, and convey him to the jail of the Court of Adawlut of the zillah, the Judge of which Court shall detain him in confinement until the sum demanded of him shall be discharged, or he shall have delivered up the papers. The Collector is authorized likewise to attach such part of the real or personal property belonging to the Officer as may be sufficient to make good the sum which may be due from him. If his property shall be in another zillah, he is to apply to the Collector of that zillah, who shall cause it to be attached. If the property shall be situated within any other jurisdiction, the Collector is to apply to the Judge of the zillah, through the Vakeel of Government, to make application to the Judge of such jurisdiction to attach and deliver it into the charge of the nearest Collector. The Board of Revenue are empowered to order the property to be sold, under the rules by which the lands of proprietors are directed to be disposed of for the discharge of arrears of revenue. In the event of the death of any such Officer, the surety is to be exonerated from all responsibility, and the Collector is to proceed against his heirs, by a regular suit in the Court to which they may be amenable, for any claims which Government may have upon the deceased. The suit is to be carried on by the Vakeel of Government, and at the public expense; and the rules in Regulation XXVII., 1803, regarding suits so carried on by the Collectors, are to be held applicable to it.

IV. If any such Native Officer who may have retained public money or papers in his possession shall abscond, or not be forthcoming, the Collector may proceed against the surety upon his engagement, or apprehend the offender and commit him to prison, if he be within the limits of the zillah ; or, if he shall have taken refuge in any other zillah, and the Collector shall deem it necessary to require his personal attendance, that he may proceed against him instead of his surety, the Collector is to apply to the Judge of the zillah to request the Judge within whose jurisdiction the Officer may be or reside, to cause him to be apprehended. The Judge to whom the application may be made is to convey the Officer in safe custody to the jail of the zillah from which he may have absconded.

V. If a Collector shall have occasion to require any such Officer to attend to adjust his accounts, that the sum due from him may be ascertained, and he shall not attend, upon being required by a writing to that effect, under the official seal and signature of the Collector, to be fixed up in his Cutcherry, and

at the place in the zillah at which the Officer may have last resided, the Collector is empowered to prepare the most accurate statement that he may be able of the money or papers in the possession of such Officer, and proceed against the surety upon his engagement for the balance or papers, in the same manner as if the accounts had been adjusted, and the list of the papers prepared, in the presence of the Officer; or he may cause the Officer to be apprehended by his own authority under Section 3, if he be within the limits of the zillah, or if he shall have taken up his abode in in any other zillah or jurisdiction, by application to the Judge in the manner directed in Section 4. If it should afterwards appear upon enquiry before the Court that no part, or a portion only, of the sum demanded was due from him, or that the papers required were not in his possession, the Collector shall not be liable to pay any damages for having confined him, and all costs that may be incurred in the suit or enquiry shall be paid by the Officer.

VI. If any such Officer or his surety shall be confined on account of a claim for public money, and previously to the sale of his property, or supposing the Collector not to have been able to get possession of any property belonging to him at any time subsequent to his confinement, shall deny the justness of the whole or any part of the demand made upon him by the Collector, and find some responsible person who will become security that he will institute a suit in the Court in fifteen days against the Collector to try the demand, and to pay the sum that may be awarded against him with costs and interest at the rate of twelve per cent. from the date on which the sum may be demanded of him to the date of the decree, the Court is to discharge the Officer or surety, and proceed to the trial of the suit, and if any property belonging to the Officer or surety shall have been ordered to be sold, the sale shall be countermanded, and the property restored to the owner.

VII. If any such Native Officer or his surety shall be committed to custody by the Collector, and shall not obtain his release in the mode specified in Section 6, he shall nevertheless be at liberty, whilst in confinement, to sue the Collector by whom he may have been confined, should he deem the demand upon him unjust.

VIII. The Collectors are to appoint one of the authorized Vakeels of the Court to defend any suits which may be instituted against them by any such Native Officers, or their heirs

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or sureties, under this Regulation; and the rules in Regulation XXVII, 1803, regarding suits instituted against the Collector for sums demanded or received by him on behalf of Government, shall be applicable to such suits.

A. D. 1813.—REGULATION II.:

A REGULATION FOR PREVENTING NATIVE OFFICERS FROM MAKING USE OF PUBLIC MONEY ENTRUSTED TO THEIR CARE.

WHEREAS the interests of Government require that Khezanchees, Tehseeldars, and other Native Officers should be restrained from making use of the public money entrusted to their care, the following Rules have been enacted, to be in force from the period of their promulgation throughout the territories immediately dependant on the Presidency of Fort William.

II. Khezanchees, Tehseeldars, and other Native Officers entrusted with the charge of public money, are hereby strictly prohibited from making use of such money for their own advantage, or that of any other individual.

III. Any person infringing the rule contained in the foregoing section shall be deemed to have been guilty of a misdemeanor, and shall be punished, on conviction thereof before a Court of Circuit, at the discretion of the said Court, under the authority vested in the Courts of Circuit by Clause 7, Section 2, Regulation LIII., 1803, in cases liable to discretionary punishment; provided, nevertheless, that no person convicted of the offence specified in the preceding section of this Regulation shall be sentenced by a Judge of Circuit to the punishment of stripes, or to hard labor. If in any instance imprisonment for the term of seven years shall appear to the Judge of Circuit to be an inadequate punishment for the offence, he shall transmit the trial, with his sentiments thereupon, to the Court of Nizamut Adawlut, for the final sentence of that Court.

IV. It shall be the duty of the Board of Revenue, the Board of Commissioners, and the Board of Trade, to submit to Government a special report respecting all convictions and sentences which may take place under the provisions of the present Regulation, in order that the Governor-General in Council may have an opportunity of considering whether the guilty persons should not also be declared incapable of again serving Government in any public capacity.

A. D. 1814.—REGULATION XXI.:

A REGULATION FOR PREVENTING THE ZILLAH AND CITY JUDGES AND COLLECTORS OF THE PUBLIC REVENUE FROM EMPLOYING THEIR NATIVE CREDITORS ON THEIR RESPECTIVE ESTABLISHMENTS.

WHEREAS public inconvenience has been in some instances experienced from persons invested with important and responsible offices employing on their establishments natives being their private creditors; and whereas it is essential to discourage the practice among the junior part of the service of contracting debts, which not only prove a source of great personal embarrassments to them as individuals, but are likewise entirely incompatible with that independence and freedom of action which it is essential, on public grounds, that persons succeeding to responsible offices should enjoy; the following Rules have been enacted, to be immediately in force throughout the Provinces immediately dependant on the Presidency of Fort William.

II. From and after the promulgation of this Regulation, no person, being a creditor of any Zillah or City Judge or Magistrate, of any Collector of the Land Revenue or Customs, or of any Agent for the provision of Salt or Opium, shall be appointed to any official situation on the establishment of the person whose creditor he may be. It shall consequently be the duty of the Boards of Revenue and Trade, of the Board of Commissioners, and of the Courts of Appeal and Circuit, on receiving the reports prescribed by the provisions of Regulation VIII., 1809, to satisfy themselves fully that the natives recommended to fill any vacancies on the establishment of the European Officers acting under their control respectively, are not the creditors of the latter. With this view, it will be the duty of the said Boards and Courts to make full enquiries on the subject, not only from the Officers from whom such reports may be received, but through such other channels as may be necessary, to guard against any infringement or evasion of the provisions of the present Regulation.

III. The rules contained in the preceding section for precluding the creditors of the public Officers above mentioned from being employed on their public establishments shall be considered equally applicable to the relatives and dependants of such creditors; the former, as well as the latter, shall consequently be equally precluded from being employed on the establishments of any of the public Officers above described.

IV. * In order to prevent misconstruction, it is hereby explained that the foregoing provisions are not intended to apply to the commercial residents and commercial agents.

* Rescinded by Clause 3, Section 2, Regulation VII., 1833.

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A. D. 1823.—REGULATION VII.:

A REGULATION FOR PROHIBITING LOANS BY COVENANTED CIVIL SERVANTS FROM PERSONS SUBJECT TO THEIR OFFICIAL AUTHORITY AND INFLUENCE.

WHEREAS by the existing regulations all Covenanted Civil Servants of the Company employed in the Judicial and Revenue Departments of the Service are prohibited from lending money, directly or indirectly, to any proprietor, or farmer of land, dependant Talookdar, under-farmer, or ryot, or their sureties; and whereas it is equally necessary to prohibit the public Officers from borrowing money from persons subject to their official authority and influence; the following Rules have been enacted by the Governor-General in Council, and are to be in force, from the date of their promulgation, throughout the provinces immediately subject to this Presidency.

II. *First,*—All Covenanted Civil Servants, in whatever department of the public service they may be employed, are henceforward prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any Native Officer under their authority, or under the authority of any of their subordinate functionaries, or from or to the known surety, agent, relation, connection, or dependant of any such Native Officer, or from or to any person of whom such Native Officer may be known to be or to have been the servant, agent, surety, or dependant.

Second,—In like manner and under the like penalty, all Officers of Government, being Covenanted Civil Servants, are henceforward prohibited from borrowing money from, or in any way incurring debt to, any manager, guardian, executor, Ameen, Sezawul, Gomashtah, farmer, Motuwullee, or other person who may in any way be officially accountable to them, or from and to the known surety, agent, relation, connection, or dependant of such person.

* * * * *

III. All Judges of Zillah and City Courts, all Magistrates, Joint Magistrates, Registers, and Assistants to Magistrates, all Collectors and Deputy Collectors of the Land Revenue, all Assistants to such Collectors, or other Officers exercising the powers of such Collectors, are prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any Zemindar, Talookdar, ryot, or other person possessing real property, or residing in or having a commercial establishment within the city, district, or division to which their authority may extend.

IV. All persons are prohibited from lending money, or otherwise becoming in any way creditor to any Officer of

Government, being a Covenanted Civil Servant, in contraventoin of the above rules; and any person lending money, or in any way becoming creditor to any such Public Officer in breach of this prohibition, shall forfeit to Government a sum equal to the amount for which he shall have so illegally become creditor.

V. If any Officer of Government now in debt shall, at the expiration of one year from the promulgation of this Regulation, be still indebted to any person from whom it would at such period be illegal for him to borrow under the above rules, it shall be incumbent on such Officer to make known the circumstance to the Governor-General in Council; and in the event of intimation not being so given, the same penalty shall attach to the said Officer, as if the debt had been incurred subsequently to the promulgation of this Regulation.

VI. In like manner, if any Covenanted Servant who may be hereafter appointed to any office, shall, at the time of such appointment, be indebted to any person with whom it would be illegal for him to contract a loan while holding such office, it shall be incumbent on such servant, before entering on the duties of the office, to make known the circumstance to the Governor-General in Council; and failing to do so, he shall be subject to the same penalty, as if the debt had been contracted subsequently to his being appointed to the said office.

VII. Any Native causing himself to be appointed to any office in opposition to the provisions of Regulation XXI., 1814, as hereinbefore extended, or in any way knowingly accepting office in contravention thereof, shall forfeit to Government a sum equal to ten times the yearly salary or allowances attached to the situation to which he may be appointed.

VIII. Suits for the recovery of penalties incurred under this Regulation shall and may be instituted under the special instructions of the Governor-General in Council, and shall be conducted by the Superintendent and Remembrancer of Legal Affairs, or by such other Officer as Government may nominate for that purpose: such suits shall be instituted in the Provincial Court of the Division within which the transaction may have taken place, or the lender may reside, or may possess real or personal property. An appeal shall lie from judgments passed in such cases, in like manner as from other judgments passed in original suits by the Provincial Courts, and the judgments shall be enforced under the provisions of the Regulations for the execution of other decrees of the Civil Courts.

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A. D. 1850—ACT XXXVII.:

AN ACT FOR REGULATING INQUIRIES INTO THE BEHAVIOUR OF PUBLIC SERVANTS.

WHEREAS it is expedient to amend the law for regulating inquiries into the behaviour of Public Servants not removable without the sanction of Government, and to make the same uniform throughout the territories under the Government of the East India Company: it is enacted as follows:—

I. The following Acts [*VI., 1838, XXVI., 1839, and †XIII., 1843] are repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation, thereby repealed.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company, not removable from his office without the sanction of the same Government, it shall cause the substance of the imputations to be drawn into distinct articles of charge, and shall order a formal and public inquiry to be made into the truth thereof.

III. The inquiry may be committed either to the Court, Board, or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, Commissioners for the purpose; notice of which Commission shall be given to the person accused ten days at least before the beginning of the inquiry.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser; and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury; but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government, before appointing the Commission, shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually; and, also, will be forthcoming to

* Bombay † Madras

answer any countercharge or action which may be afterwards brought against him for malicious prosecution or perjury, or subornation of perjury, as the case may be.

VII. At any subsequent stage of the proceedings the Government may, if it think fit, abandon the prosecution; and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

VIII. The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings as is given to Civil and Criminal Courts by Act XXX., 1841; and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission; and shall be entitled to the same protection as the Zillah and City Judges, except that all process to cause the attendance of the witnesses or other compulsory process shall be served through and executed by the Zillah or City Judge, in whose jurisdiction the witness or other person resides on whom the process is to be served; and if he resides within Calcutta, Madras, or Bombay, then through the Supreme Court of Judicature there. When the Commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

IX. All persons disobeying any lawful process, issued as aforesaid for the purposes of the Commission, shall be liable to the same penalties as if the same had issued originally from the Court, or other authority through whom it is executed.

X. A copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused at least three days before the beginning of the inquiry, exclusive of the day of delivery, and the first day of the inquiry.

XI. At the beginning of the inquiry the prosecutor shall exhibit the articles of charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty," or "not guilty," to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses, or, without reasonable cause, neglects to appear to answer the charge either personally or by his Counsel or Agent, he shall be taken to admit the truth of the articles of charge.

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XII. The prosecutor shall then be entitled to address the Commissioners in explanation of the articles of charge, and of the evidence by which they are to be proved: his address shall not be recorded.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter without leave of the Commissioners, who also may put such questions as they think fit.

XIV. If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence; and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence, exclusive of the day of adjournment, and of the day to which the proceedings are adjourned.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence orally or in writing, as he shall prefer. If made orally, it shall not be recorded, if made in writing, it shall be recorded after being openly read ; and in that case a copy shall be given at the same time to the prosecutor.

XVI. The evidence for the defence shall then be exhibited and the witnesses examined, who shall be liable to cross-examination and re-examination, and to examination by the Commissioners, according to the like rules as the witnesses for the prosecution.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in Courts of Justice, on solemn affirmation, to be administered in either case by one of the Commissioners; and every witness so examined, and willfully giving false evidence on any material point, shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution, and may be examined for the defence.

XVIII. The Commissioners, or some person appointed by them, shall take notes in English of all the oral evidence,

which shall be read aloud to each witness by whom the same was given, and, if necessary, explained to him in the language in which it was given, and shall be recorded with the proceedings.

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the enquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence; in which case, the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

XX. When the Commissioners shall be of opinion that the articles of charge, or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the enquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the enquiry from time to time, on the application of either the prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness, or other reasonable cause. When such application is made and refused, the Commissioners shall record the application and their reasons for refusing to comply with it.

XXI. After the close of the enquiry, the Commissioners shall forthwith report to Government their proceedings under the commission, and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case.

XXII. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional articles of charge to be framed, in which case the enquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges. When special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court, or other authority to which the person accused is subordinate, for their opinion on the case, and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

XXIII. The word "Government," as used in this Act, means the Governor-General in Council, the Governor or

CHAPTER I. Deputy Governor of the Presidency of Fort William in Bengal, the Governor in Council of the Presidencies of Fort St. George and Bombay respectively, and the Lieutenant-Governor of the North-Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

XXIV. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sudder Ameens, or of Deputy Magistrates or Deputy Collectors; but a commission may be issued for the trial of any charge against any of the said Officers under this Act, in any case in which the Government shall think it expedient.

XXV. Nothing in this Act shall be construed to affect the authority of Government for suspending or removing any public servant for any cause without an enquiry under this Act.

CHAPTER II.—SETTLEMENT.

A.—Settlement.
B.—River Boundaries.
C.—Waste Lands.
D.—Acquisition of Land.
E.—Partition.

A.—SETTLEMENT.

A. D. 1795.—REGULATION I.:

A REGULATION FOR FIXING IN PERPETUITY THE REVENUE ASSESSED ON THE LANDS IN THE PROVINCE OF BENARES, AND FOR THE MORE GENERAL RESTORATION OF THE ANCIENT ZEMINDARS.

The Governor-General in Council having determined, with the concurrence of the Rajah of Benares, to introduce into that province, as far as local circumstances will admit, the same system of interior administration as has been established in the Provinces of Bengal, Behar, and Orissa, and the limitation of the annual revenue payable from the lands forming an essential part of that system, as stated in the preamble to Regulation II., 1793, the following rules have been enacted:—

II. On the expiration of the year 1195 Fuslee, the Governor-General in Council instructed the Resident to make the settlement of the revenue for the ensuing year 1196 under his own immediate control. The Resident accordingly completed the settlement, by granting leases for the term of one year to certain aumils, and for five years to others, by which they

bound themselves to pay a specific jumma or assessment. But the Governor-General in Council being desirous of extending to the Province of Benares, from the beginning of the year 1197, as far as circumstances might admit, the principles of the decennial settlement directed to be formed in the Provinces of Bengal, Behar, and Orissa, those principles were accordingly introduced in the districts of which the aumils, in the preceding year, had obtained leases for five years, by their consenting to the Resident's issuing pottahs or leases under their and his joint seals and signatures, for the remaining four years of the term of their own engagements, to all the Talookdars, and to the village Zemindars and farmers, by which it was stipulated that they should pay a certain fixed assessment, the amount of which should be received by the aumils, and accounted for by them to Government; and in the districts, the leases of which had been granted for one year only, and had consequently expired, by the issuing of pottahs to the Talookdars, and the village Zemindars and farmers, under the signature of the Resident and the Rajah, fixing the revenue to be in like manner paid by them through the aumils for the term of ten years. The particulars of these arrangements were detailed in the reports on the said settlements for one year, and for four and ten years, made to the Governor-General in Council by the Resident on the 26th of April, the 30th of November, and the 26th of December, 1789, and the 25th November, 1790; and in the papers and accounts therein referred to, and on a consideration of them, the Governor-General in Council, on the 11th February, 1791, approved of the said quartennial and decennial settlements with the Talookdars, village Zemindars, and farmers, and ordered "that the four years' pottahs be confirmed for the ensuing six, so as to reduce the whole to a ten years' settlement; and that assurances be given to the pottah-holders that, as long as they continue to pay their revenue stipulated in the last year of the increase as specified in their several pottahs, they shall not be liable to any further demand during their lives." This order has been repeatedly notified to the parties whom it concerned, who, with the exception of the pottah-holders in a few pergunnahs, and of certain individual Zemindars and farmers in others, have, by the performance of the conditions required of them, become entitled to hold their lands at a fixed assessment during their lives, as specified in the said order. The Governor-General in Council has now further resolved that the revenue stipulated to be paid on account of the lands included in the quartennial and decennial pottahs, the conditions of which have been per-

CHAPTER II. formed, whether held by Zemindars or farmers, shall be fixed in perpetuity, and that the person or persons now holding, or who may hereafter become entitled under the Regulations to succeed to, such pottahs, shall not be liable to any additional payment beyond the highest annual jumma specified in such pottahs. That this resolution may be rendered more immediately and generally known, the Resident is to notify it to the parties interested by a proclamation to the following effect:—

III. *First*,—"On the 11th February, 1791, the Governor-General in Council signified his approbation and confirmation of the quartennial and decennial settlements formed in the Fuslee year 1197 (1789-90) throughout the four sircars comprized in the Province of Benares; and directed, in respect to the pottahs for four years, that the amount of the jumma payable thereby in the fourth year should be continued for the next six years, so as to place the quartennial pottahs on the same footing as the pottahs granted for ten years. The Governor-General in Council now declares that the jumma payable according to the quartennial and decennial pottahs shall remain fixed for ever, so that no sum exceeding the amount specified as the highest annual jumma payable according to the said pottahs shall ever be required of those pottahdars, or holders of pottahs, who have hitherto paid up their revenue, and observed all the other conditions specified in their pottahs, nor of those who may hereafter become entitled to hold or succeed to such pottahs, so long as they shall continue to discharge the amount, and to perform the conditions therein stipulated.

Second,—The above declarations are made with the following reservations:—

Third,—The holders of the pottahs are to be considered as bound to conform to all regulations regarding them, the preservation of the rights of the Putteedars, or sharers in estates, the ryots, or the administration of justice, which have been or may be passed by the Governor-General in Council, and printed and published in the manner prescribed in Regulation XLI., 1793.

Fourth,—The succession to Zemindarees is to take place according to the established laws, rules, and customs of the country, as provided for in the Regulations passed, or which may be enacted, for the Province of Benares, and printed and published in the manner prescribed in Regulation XLI., 1793.

Fifth,—In the event of the death of a farmer holding a pottah for lands, the Zemindar of which was dispossessed pre-

vious to the 1st July, 1775, the date of the cession of the province of Benares to the Company, or of the pottah of any such farmer becoming otherwise void, it has been determined, with the concurrence of the Rajah of Benares, that such zemindar, or his heir or heirs, shall be restored to the estate, provided he or they shall agree to pay the fixed jumma assessed on the lands agreeably to such pottah, and to conform to all regulations for the collection of the revenue, the administration of justice, or other matters, which may be printed and published in the manner prescribed in Regulation XLI., 1793. In such case, the estate shall be made over to him or them, in preference to its being leased to a new farmer, or to the heir of the last pottah-holder.

Sixth,—According to the well-known rule prevailing in the province, those zemindars who have had possession of their estates since the 1st of July, 1775, but who were nevertheless excluded at the forming of the permanent settlement, may recover possession of their estates from the farmers who may hold pottahs for and be in the actual management of them by proving their intermediate possession in the Court of Dewanny Adawlut. The Courts of Dewanny Adawlut are accordingly to decree the restoration of any such zemindar so claiming, on proof being made by him of such intermediate possession; but every such decree is to provide for such zemindars previously indemnifying the farmer for the loss which he may prove to the satisfaction of the Court to have sustained in consequence of his having held the lands under the pottah of Government, and the Court is accordingly to enquire into and decide upon such loss, and to cause the amount to be made good to the farmer, before the Zemindar is reinstated.

A. D. 1795.—REGULATION XXVII.:

A REGULATION DECLARATORY OF CERTAIN RESERVATIONS MADE BY GOVERNMENT, AND OF RIGHTS PRESERVED TO THE PROPRIETORS OF LANDED ESTATES, UNDER THE PERMANENT SETTLEMENT OF THE LAND REVENUE, MADE IN THE PROVINCE OF BENARES; FOR ALLOWING OF THE TRANSFER OR DIVISION OF ENTIRE ESTATES OR PORTIONS OF ESTATES, AND PRESCRIBING RULES FOR APPORTIONING THE FIXED JUMMA ON THE SEVERAL SHARES OF ESTATES WHICH MAY BE DIVIDED, OR PORTIONS OF ESTATES WHICH MAY BE TRANSFERRED; AND FOR CONTINUING THE PUTWAREES IN THE DISCHARGE OF THEIR ANCIENT FUNCTIONS.

REGULATIONS I. and II., 1795, contain the rules according to which the settlement of the Land Revenue in the Province of Benares, made for one year, and the quartennial and decennial settlements were concluded. By the first-mentioned Regulation the decennial settlement has been declared perma-

CHAPTER II. nent, and for the information and guidance of the Talookdars, Zemindars, and other actual proprietors of land, and all persons whomsoever, the following further Rules respecting the permanent settlement are enacted :—

II. As the lands of some few Zemindars, and other actual proprietors of land, may have been continued amauny, or let in farm, in consequence of their refusing to pay the assessment required of them under the regulations for the quartennial and decennial settlements, the Governor-General in Council notifies to the Talookdars, Zemindars, and other actual proprietors of land, whose lands are held amauny, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been or may be required of them, in conformity to the regulations above mentioned, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs and lawful successors, shall be permitted to hold their respective estates at such assessment for ever ; and he declares to the Talookdars, Zemindars, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their leases, and the Governor-General in Council shall approve of the transfer), but that at the expiration of that period, or in the event of any such farmer or farmers forfeiting his or their leases by falling in arrear, or otherwise, such proprietors of land shall be reinstated, on their agreeing to the payment of the assessment which may be required of them, or (according to the nature of the case) to the conditions with respect to the arrear that may be due, as specified in Clause 1, Section 18, Regulation VI., 1795; and no alteration shall afterwards be made in the said fixed annual assessment, but such proprietors of land, and their heirs and lawful successors, shall be allowed to hold their respective estates at such assessment for ever.

III. In the event of the proprietary right in lands that are or may become the property of Government being transferred to individuals, such individuals, and their heirs and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.

IV. *First*,—The Governor-General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty

that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs or successors, by the present or any future Government for an augmentation of the public assessment in consequence of the improvement of their respective estates.

Second,—To discharge the revenue at the stipulated periods, without delay or evasion, and to conduct themselves with good faith and moderation towards their putteedars, under-renters, and ryots, are duties at all times indispensably required by Government from the proprietors from whom the revenue is immediately receivable; and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor-General in Council therefore expects that the aforesaid proprietors of land will not only act in this manner themselves towards their putteedars, under-renters, and ryots, but also enjoin the strictest adherence to the same principles in the persons whom they may appoint to collect the rents from them, in whatever instances there may be occasion for such delegation of trust.

V. *First*,—It being the duty of the ruling power to protect all classes of people, and more particularly those who from situation are most helpless, the Governor-General in Council, whenever he may deem it proper, will enact such Regulations as he may think necessary for the protection and welfare of the putteedars, under-renters, ryots, and other cultivators of the soil; and no talookdar, zemindar, or other proprietor of land shall be entitled on this account, to make any objection to the discharge of the fixed assessment which they may have respectively agreed to pay.

Second,—The Governor-General in Council having on the 26th December, 1787, directed the sayer collections to be abolished, and a subsequent settlement having been made with the proprietors of land, exclusive of the articles of collection given up by that abolition, he now declares that if he shall hereafter think it proper to re-establish the sayer collections, or any other internal duties, and to appoint Officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Third,—The Governor-General in Council will impose such assessment as he may deem equitable on all lands at present alienated, and paying no public revenue, which have

CHAPTER II. been or may be proved to be held under illegal or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

Fourth,—The jumma of those Zemindars, Talookdars, and other actual proprietors of land which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, the produce of any lands set apart for the maintenance of Pheris, Passees, Ghorites, or other description of watchmen employed in services of Police; and the Governor-General in Council reserves to himself the option of resuming the whole or part of the produce of such lands, should he at any time hereafter think fit to exonerate the proprietors of the land from being responsible for the peace, and to appoint officers on the part of Government to perform the duties relating to the Police now required from them. The Governor-General in Council, however, declares that the produce of lands which may in that case be resumed will be appropriated to no other purpose but that of defraying the expense of the Police, or providing a maintenance for the Pheris, Passees, Ghorites, or other description of watchmen employed therein.

Fifth,—Nothing in this or any other Regulation shall be construed to render the lands, of which there are dispossessed proprietors, liable to sale for any arrears which have accrued or may accrue on the jumma that has been or may be assessed upon their lands, under the Regulations for the quartennial and decennial settlements, provided that such arrears have accrued or may accrue during the time that they have been or may be dispossessed of the management of their lands. It is to be understood, however, that whenever all or any of the descriptions of dispossessed landholders shall be permitted to assume or retain the management of their lands, in consequence of the ground of their dispossession no longer existing, or of the Governor-General in Council dispensing with, altering, or abolishing those Regulations, the lands of such proprietors will be held responsible for the payment of the jumma that has been or may be assessed upon them in perpetuity, from the time that the management may devolve upon them.

VI. That no doubt may be entertained whether proprietors of land are entitled under the existing Regulations to dispose of their estates without the previous sanction of Government, the Governor-General in Council notifies to the talookdars, zemindars, and other actual proprietors of land, that

they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary right in the whole or any portion of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahomedan or Hindoo Laws (according as the religious persuasions of the party or parties making such transfer may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations now in force which have been passed by the British Administrations, or to any Regulations that they may hereafter enact.

VII. From the limitation of the public demand upon the lands, the net income, and consequently the value (independent of increase of rent obtainable by improvements), of any landed property, for the assessment on which a distinct engagement has been or may be entered into between Government and the proprietor, or that may be separately assessed, although included in one engagement, with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable by a comparison of the amount of the fixed jumma assessed upon it (which, agreeably to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred) with the whole of its produce, allowing for the charges of management. But it is also essential that a notification should be made of the principles upon which the fixed assessment charged upon any such estate will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one or in two or more lots, or of its being joint property, and a division of it being made among the proprietors; otherwise, from the want of a declared rule for estimating the proportion of the fixed jumma with which the several shares would be chargeable in such cases, the real value of each share would be uncertain, and consequently the benefits expected to result from fixing the public assessment upon the lands would be but partially obtained. The Governor-General in Council has accordingly prescribed the following Rules for apportioning the fixed assessment in the several cases above mentioned; but as Government might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it in any of the cases above specified to be left to the proprietors, he requires that all such transfers or divisions as

CHAPTER II. may be made by the private act of the parties themselves be notified to the Collector of the Revenue, or such other Officer as Government may in future prescribe, in order that the fixed jumma assessed upon the whole estate may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as actual proprietors of land. And the Governor-General in Council declares that if the parties to such transfers or divisions shall omit to notify them to the Collector of the Revenue of the province, or such other Officers as may be hereafter prescribed for the purposes before mentioned, the whole of such estate will be held responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place.

First,—In the event of the whole of the lands of a Zemindar, Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations above mentioned, being exposed to public sale, by order of the Governor-General in Council, for the discharge of arrears of assessment, or in consequence of the decision of a Court of Justice, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed assessment upon the whole of the lands sold may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so purchased for ever.

Second,—When a portion of the lands of a Talookdar, Zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations before mentioned, shall be exposed to public sale, by order of the Governor-General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a Court of Justice the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce as the fixed assessment upon the whole of the lands of such proprietor, includ-

ing those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one lot, or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter enact, and the purchaser or purchasers of such lands, and his, or her, or their heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased for ever; and the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate, on account of the portion of it that may be left in his, or her, or their possession, will continue unalterable for ever.

Third,—When a Talookdar, Zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate so transferred shall be fixed at an amount which shall bear the same proportion to its actual produce as the assessment upon the whole of the estate of the transferring proprietor of which the whole or a portion may be so transferred may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed in the existing Regulations, or such other Regulations as Government may hereafter adopt, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be transferred for ever; and where only a portion of such estate shall be transferred, the amount of the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate on account of the lands that may remain in his or her possession, shall be continued unalterable for ever.

Fourth,—Whenever a division shall be made of lands, the settlement of which has been or may be concluded with or on behalf of the proprietor or proprietors, and that are or

CHAPTER II. may become the joint property of two or more persons, the assessment upon each share shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed jumma assessed upon the whole of the estate divided may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter adopt, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them for ever.

VIII. Nothing in this or any other Regulation passed previous to or on this date shall be construed to authorize the public sale of the lands in any Talookdaree or Zemindaree, whilst the party or parties, claiming the same as the ancient proprietors, continue to stand excluded under the limitation specified in Section 12, Regulation II., 1795; or until, by the operation of the repeal of that limitation under Section 3, Regulation I., 1795, or in pursuance of the consequent provision in Section 18, Regulation VI., 1795, or some other consonant rule made, or that shall hereafter be made, in consequence of the said repeal, such party or parties shall have been restored to the management of the revenue of his or their respective Talookdarees or Zemindarees.

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X. For the sake of precision, it is hereby declared that wherever the term "proprietor," or actual proprietor of any Talook, Zemindaree, village, or other land paying revenue to Government, is or may be used in this or any other Regulation extending to the Province of Benares, and printed and published in the manner prescribed in Regulation XLI., 1793, such term is to be considered as applying to the person or persons holding under each separate lease or pottah from Government (whether he or they possess the entire proprietary right in such lands, or shall be only the principal amongst other Putteedars, distinct or common,) whose name or names standing inserted in such pottahs, and who having executed the counterpart kabooleuts, has or have thereby become immediately responsible to Government, as well for the payment of the revenue, as for the performance of the other stipulations and conditions contained in the quartennial and decennial deeds of settlement,—without, however, affecting or prejudicing the rights, distinct or common, of any Putteedars, or sharers, where any such shall exist, and which, in case of dispute with the Pottahdars, or holders of the pottahs, are to be determined by the

Courts of Adawlut, according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs, and usages of the district, as referred to in Regulation II., 1795, as far as regards the parties in question.

A. D. 1803.—REGULATION XXV.

* * * * *

PROCLAMATION.

XXIX. WHEREAS it is the intention of the British Government to adopt, at the expiration of the present Fuslee year, such a plan for the settlement of the landed revenue of the Ceded Provinces as may be most conducive to the prosperity of the country and to the happiness of the inhabitants; and whereas it is of the utmost consequence to the success of the measure, as well as to the interests of the Zemindars, Talookdars, and all others concerned, that the nature and terms thereof should be made known as early as possible,

NOTICE IS HEREBY GIVEN—

First,—At the commencement of the Fuslee year 1210, the sayer of every denomination will be separated from the maal, or land revenue, and a settlement for the latter only concluded, in all practicable cases, with the Zemindars or other actual proprietors of the soil (unless when disqualified by notoriously bad character, or other good and sufficient cause) for a period of three years, at a fixed, equal, annual jumma; it being understood that such Zemindars as are huzzoor tehseel, or allowed to pay their kists immediately to the Collector of the zillah, are to be responsible for the Police of their respective Zemindarees.

* * * * *

Third,—At the expiration of the sixth year, a new settlement will be made with the same persons (if willing to engage) for a further period of four years, at a fixed, equal, annual jumma, formed by adding to the annual rent of the second three years, three-fourths of the net increase of revenue during any one year of that period.

Fourth,—At the end of these ten years, a permanent settlement will be concluded with the same persons (if willing to engage, and if no others who have a better claim shall come forward) for such lands as may be in a sufficiently improved state of cultivation to warrant the measure, on such terms as Government shall deem fair and equitable.

Fifth,—Those Zemindars who may decline entering into engagements for their estates, as also those whose offers

CHAPTER II. may be rejected by Government, shall for the present continue to be allowed the same nankar which they have hitherto received from the Nawab Vizier.

Sixth,—With respect to such Zemindarees as may have been mortgaged or transferred on security, and possession thereof actually given to the mortgagors or sureties, the settlement will be made with the person in possession of the land as the temporary representative of the proprietor, leaving the latter to obtain possession either by a private settlement of accounts or by a judicial process.

Seventh,—The settlement of such small talooks, or estates, as may be only nominally included in large Zemindarees, in the sudder jumma of which their jumma may be comprehended, will be made, separately and distinctly, with the proprietors of such small estates, and they will be allowed to pay their revenue directly to the Tehseeldars on the part of Government.

Eighth,—With respect to such lands as are without proprietors, or the proprietors of which decline entering into engagements, a village settlement shall be made for three years at a fixed, equal, annual jumma, and a preference will be given to the Muckuddums, Purdhauns, or respectable ryots of the several villages.

Ninth,—In the event of neither proprietors nor farmers being forthcoming, such lands as are in that predicament will be held khas.

Tenth,—All authorized abwabs are to be consolidated and incorporated with the land-rent, and expressed in the pottahs and kabooleuts; and nothing but what is there expressed shall be collected from the ryots or under-renters.

Eleventh,—All persons who may enter into engagements for the settlement must bind themselves, by written obligations, to grant pottahs of the above description to their ryots and under-renters.

Twelfth,—All persons who may enter into engagements with Government must previously give security for the fulfilment thereof in an amount equal to one-fourth of their annual jumma.

XXX. *First,*—The several Collectors in the Ceded Provinces were authorized by the Board of Commissioners, under date the 28th of August, 1802, to deviate from the rule prescribed in the 1st Clause of the foregoing Proclamation, and to conclude the settlement, for the first lease of three years,

at a fair and equitable annual increase, instead of a fixed, equal, annual jumma, in instances in which, from calamity of seasons, the landholders might be unwilling to engage for their lands at such a jumma, for the first year of the lease, as Government would have been otherwise entitled to demand, with a reference to the probable resources and produce of the lands during the whole of the lease.

Second,—By an order of the Board of Commissioners under date the 13th of August, 1802, the several Collectors in the Ceded Provinces were further instructed, in concluding the settlement of their respective zillahs for the first lease of three years, to regulate the allowance of nankar to such of the Zemindars as might engage for their lands, by deducting the amount of the nankar from the jumma, and taking engagements from the Zemindars for the net residue, provided that the deduction for nankar shall not exceed ten per cent. on the net jumma

Third,—In modification of the 5th Clause of the Proclamation issued under date the 14th of July, 1802, whereby it was declared that the Zemindars who might decline entering into engagements for their estates, as also Zemindars whose offers might be rejected by Government, should, for the present, continue to be allowed the same nankar which they had heretofore received under the Government of the Nawab Vizier, it was subsequently determined by the Board of Commissioners that the rate of allowance for nankar should not, in either of the cases stated, exceed ten per cent. on the jumma of the estate.

XXXI. With the view of obviating any misconstruction of the rule to be adopted in adding to the jumma a portion of the increased produce, in concluding the settlements to be formed at the commencement of the Fuslee years 1213 and 1217, it is hereby declared, in explanation of the 2nd and 3rd Clauses of the Proclamation issued on the 14th of July, 1802, as well as of Clause 2nd of Section 53, Regulation XXVII., 1803, that the amount of the nankar to which the Zemindars were entitled under their original engagements for the first triennial settlement shall be deducted from the actual yearly produce of their estates at the time of the expiration of each lease, and the actual increase of public revenue to be assessed, agreeably to the clauses above specified, shall be calculated on the amount of the difference between the actual net produce, after such deduction, and the annual amount of the former lease. It is, at the same time, provided that the portion of

CHAPTER II. the increased produce relinquished to the Zemindars under the above-mentioned clauses, on the formation of the successive settlements, shall be considered as precluding all claim on the part of the Zemindars to any further proportion of such increased produce on account of nankar, in addition to the deduction originally made and continued to them on this account.

XXXII. In pursuance of an order issued by the Board of Commissioners under date the 30th of September, 1802, a discretion is vested in the landholders to grant small portions of land exempt from the payment of revenue for the support of their village watchmen, whenever they shall prefer making such grants to paying the watchmen a pecuniary allowance. Such grants, however, shall be resumable on the death or removal of the persons to whom they may be made; and the lands thus exempt from the payment of rent, as well as any other lands held by public officers or private servants exempt from rent in lieu of wages, and not forming part of any authorized lakhiraj grants or tenures within the provisions of Regulations XXXI. and XXXVI., 1803, shall be considered to form a component part of the malgoozaree lands of the estates to which they may respectively appertain, for the revenue assessed upon which they will consequently be held responsible, in common with all other malgoozaree lands included therein.

XXXIII. The lands of some Zemindars, independent Talookdars, and other actual proprietors of land, having been held khas, or let in farm, in consequence of their refusing to pay the assessment required of them under the proclamation inserted in Section 29 of this Regulation, the Governor-General in Council notifies to the Zemindars, independent Talookdars, and other actual proprietors of land whose lands are held khas, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which shall be required of them, in conformity to the prescribed rules for the settlement of the land revenue; and the Governor-General in Council declares to the Zemindars, independent Talookdars, and other actual proprietors of land whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease, and the Governor-General in Council shall approve of the transfer); but that at the expiration of that period, upon their agreeing to the payment of the assessment which shall be

required of them, they shall be reinstated, under the general regulations, in the management of their estates respectively.

XXXIV. It is well known to the Zemindars, Talookdars, and other descriptions of landholders, in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, that from the earliest times until the present period the public assessment upon the lands has never been fixed; and that, according to established usage and custom, the rulers of those provinces and their delegates have exercised a discretionary authority in depriving them of the possession of their zemindaries, talooks, and other tenures, whereby their right of property therein has become precarious and of little value; whilst the lands, from being let in farm to strangers, or otherwise disposed of, have been impoverished, and the tenants and cultivators of the soil have been exposed to rapacity and oppression. With a view of promoting the interests of the landholders, and to enhance the value of their estates, as well as to induce them to encourage their under-tenants, and to extend cultivation, under the certainty that they will enjoy the fruits of their industry and good management, the Governor-General in Council has, by the rules contained in the preceding sections of this Regulation, and in Section 53, Regulation XXVII., 1803, not only directed a settlement to be immediately made with the Zemindars and other proprietors of land who shall be willing to engage for the revenue of their respective estates, but has also declared that a permanent assessment shall be fixed, at the end of ten years, on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity; and the Governor-General in Council further declares the proprietary rights of all Zemindars, Talookdars, and other descriptions of landholders possessing a right of property in the lands composing their zemindaries, talooks, or other tenures, to be confirmed and established under the authority of the British Government, in conformity to the laws and usages of the country, and to the Regulations which have been or shall be hereafter enacted by the Governor-General in Council.

XXXV. To prevent any misconstruction of the declaration contained in the foregoing section, the Governor-General in Council deems it to be necessary to publish the following declarations to the Zemindars, independent Talookdars, and other actual proprietors of land:—

First,—It being the duty of the ruling power to protect all classes of people, and more particularly those who, from their situation, are most helpless, the Governor-General

CHAPTER II. in Council will, whenever he shall deem it proper, enact such Regulations as he shall judge to be necessary for the protection and welfare of the dependent Talookdars, ryots, and other cultivators of the soil; and no Zemindar, independent Talookdar, or other actual proprietor of land, shall be entitled on this account to make any objection to the discharge of the assessment on their lands which they have respectively agreed or may hereafter agree to pay.

Second,—The Governor-General in Council having by Regulation XXXVIII., 1803, abolished all the duties coming under the denomination of Sayer, Rahdaree, Zemindaree, or any other denomination, levied on goods or merchandize of any description, with the exception of the established duties levied by Government in bazaars and gunges; and it being provided by the 1st Clause of the Proclamation aforesaid, issued under date the 14th of July, 1802, as well as by Clause 13th of Section 53, Regulation XXVII., 1803, that all engagements for the land revenue entered into with Government shall be exclusive of Sayer duties, and of all other collections not connected with the land revenue; the Governor-General in Council hereby declares that if he should hereafter think it proper to establish any internal duties, and to appoint Officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Third,—The Governor-General in Council will impose such assessment as he shall deem equitable on all lands held exempt from the public revenue, which have been or shall be proved to be so held under illegal or invalid titles. The assessment thus imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

Fourth,—The jumma of those Zemindars, independent Talookdars, and other actual proprietors of land with whom a settlement shall have been made, or shall be hereafter concluded under the terms set forth in the aforesaid Proclamation dated the 14th July, 1802, or in Section 53, Regulation XXVII., 1803, shall be considered exclusive of any allowances which have been made to them in the adjustment of their jumma for maintaining thannahs, or Police establishments, and also of the produce of any lands which they may have been permitted to appropriate for the same purpose; and the Governor-General in Council reserves to himself the option of resuming the whole or any part of such allowances, or of the produce of such lands, if he should at any time think it to be

proper to exonerate the proprietors of land from the charge of keeping the peace, and to appoint Officers on the part of Government to superintend the Police of the country. The Governor-General in Council, however, declares that the allowances or the produce of lands which may be thus resumed will be appropriated to no other purpose but that of defraying the expense of the Police.

XXXVI. That no doubt may be entertained whether it be lawful for proprietors of land to dispose of their estates without the previous sanction of Government, the Governor-General in Council notifies to the Zemindars, independent Talookdars, and other actual proprietors of land, that they are at liberty to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahomedan or the Hindoo laws (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations now in force, or which shall be hereafter enacted by the British Government. It is at the same time hereby declared that no private transfer by sale, gift, or otherwise, nor any private mortgage or other assessment upon land assessed with the public revenue, will be admitted in any respect to affect the indefeasible right of Government to hold all such lands answerable in the first instance for the public revenue assessed thereupon.

XXXVII. Whenever an entire estate (*viz.*, the whole of any landed property, for the assessment on which a distinct engagement has been or shall be entered into between Government and the proprietor, or which shall be separately assessed, although included in one engagement with other estates belonging to the same proprietor) shall be disposed of by public or private sale, without any sub-division of such estate, no new allotment of the jumma will be requisite, and the purchaser will succeed to all the rights of the former proprietor in the entire estate. But it is essential that a declaration should be made of the principles upon which the public assessment, or jumma charged upon any such estates, will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or by private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one or in two or more lots, or of its being joint property, and a

CHAPTER II. division of it being made among the proprietors. The Governor-General in Council has accordingly prescribed the following rules for apportioning the public assessment in the several cases above mentioned: and as Government might sustain a considerable loss of revenue by disproportionate allotments of that assessment, were the apportioning of it in any of the cases above specified to be left to the proprietors, it is hereby required that all such transfers or divisions as may be made by the private act of the parties themselves be notified to the Collector of the revenue of the zillah in which the lands shall be situated, or such other Officer as Government shall in future prescribe, in order that the public assessment, or jumma charged upon the whole estate, may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered in the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as proprietors of distinct estates. If the parties concerned in such transfers or divisions of estates shall omit to notify them to the Collector of the revenue of the zillah, or such other Officer as shall be hereafter prescribed for the purposes before mentioned, the whole of the original estate will be held responsible to Government for the discharge of the jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place. The Governor-General in Council deems it to be necessary further to notify, in elucidation of the declarations contained in this section, that if any Zemindar, independent Talookdar, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependent talook, or any other under-tenure, to remain as a dependency, subject to the payment of rent to the proprietor of the estate of which such talook may form a part, the jumma which may be stipulated to be paid by the dependent Talookdar or other under-tenant will not be entered in the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear, from any cause whatever; nor will such transfer be allowed in any case to affect the rights or claims of Government any more than if it had never taken place.

First,—In the event of the whole estate of a Zemindar, independent Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or

shall be concluded, being exposed to public sale, by order of the Governor-General in Council, for the discharge of arrears of the public assessment, or in consequence of the decision of a Court of Justice, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce as the public assessment upon the whole of the lands sold may bear to the whole of their actual neat produce. The neat annual produce is to be understood to be the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent, or other gross produce, the actual expenses of collection, and other usual charges of management, inclusive of the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor from his gross receipts; but exclusive of his malikana, nankar, or other proprietary income, and all other personal appropriations of the gross produce of his estate, as such can have no claim to consideration in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereon, in conformity to the rules prescribed. The neat produce, as here defined, shall be ascertained in the mode that is or shall be prescribed by the Regulations, and the purchaser or purchasers of such lands, and his, her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be so purchased, subject to the general rules in force at the time of sale for the periodical or permanent assessment of the land revenue.

Second,—When a portion of the estate of a Zemindar, independent Talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or shall be concluded, shall be exposed to public sale, by order of the Governor-General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a Court of Justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual neat produce as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. The actual neat produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one or in two or more lots shall be

CHAPTER II. ascertained in the mode that is or shall be prescribed by the regulations; and the purchaser or purchasers of such lands, and his, her, or their heirs or successors will be allowed to hold them at the jumma at which they may be so purchased, subject to the general rules in force at the time of sale for the periodical or permanent assessments of the land revenue.

Third,—When a Zemindar, independent Talookdar, or other actual proprietor of land with or on behalf of whom a settlement has been or shall be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate so transferred shall be fixed by the Collector, or other authorized Officer of Government, at an amount which shall bear the same proportion to its actual neat produce as the assessment upon the whole of the estate of the transferring proprietor of which the whole or a portion may be so transferred may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is or shall be prescribed in the regulations, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors shall hold them at the jumma at which they may be so transferred, after the same shall have been duly sanctioned and registered and engaged for, subject to the general rules in force at the time of transfer for the periodical or permanent assessment of the land revenue.

Fourth,—Whenever a division shall be made of lands, the settlement of which has been or shall be concluded with or on behalf of the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed by the Collector, or other authorized Officer of Government, at an amount which shall bear the same proportion to its actual neat produce as the jumma assessed upon the whole of the estate divided may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is or shall be prescribed by the regulations, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, after the same shall have been duly sanctioned, registered, and engaged for, subject to the general rules in force at the time of the division for the periodical or permanent assessment of the land revenue.

XXXVIII. The following rules are prescribed respecting the adjustment of the public assessment or jumma on the

lands of Zemindars, independent Talookdars, and other actual proprietors of land whose lands are or may be held khas, or let in farm by Government, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.

First,—If the whole or a portion of the lands of a Zemindar, independent Talookdar, or other actual proprietor of land who may not have agreed to the payment of the assessment proposed to him or her, and whose lands are or shall be held khas, or let in farm by Government, shall be exposed to public sale, in one or in two or more lots, pursuant to the decree of the Court of Justice, such lands, if khas, shall be disposed of at whatever assessment the Governor-General in Council shall deem equitable, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors shall hold the lands at the assessment at which they shall be so purchased, subject to the general rules in force at the time of sale for the periodical or permanent assessment of the land revenue. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one or in two or more lots, they shall be disposed of under the following conditions:—The purchaser or purchasers shall receive, during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive in virtue of his or her proprietary rights, on account of the lands so purchased; and such purchaser or purchasers shall, at the expiration of the lease of the farmer, be put in possession of the lands, on his or their engaging to pay such assessment as Government may deem equitable, under the general rules in force for the assessment of the land revenue.

Second,—If a Zemindar, independent Talookdar, or other actual proprietor of land whose lands are or may be held khas, or let in farm by Government, shall transfer, by private sale, gift, or otherwise, the whole or a portion of his or her lands, in one or in two or more lots, and such transfer be legal and valid under the regulations, the person or persons to whom the lands may be so transferred shall be considered to have succeeded to the whole of the proprietary rights of the former possessor, and will accordingly be entitled to receive any malikana or nankar to which the former proprietor was entitled on account of the lands so transferred. Persons to whom such lands may be so transferred will stand in the same predicament as the Zemindars, independent Talookdars, or other actual proprietors of land mentioned in Section 33, whose lands are held

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khas, or have been let in farm, in consequence of their refusing to pay the assessment required of them, under the before-mentioned regulations for the decennial settlement; and the declarations contained in that section are to be held applicable to them.

Third,—In the event of a division being made of lands that are or shall become the joint property of two or more persons, and which are or shall be held khas, or let in farm by Government, the proprietors of the several shares will stand in the same predicament with regard to their respective shares as the Zemindars, independent Talookdars, and other actual proprietors of land specified in Section 33, whose lands have been let in farm, or are held khas by Government, in consequence of their having refused to pay the assessment required of them; and the declarations contained in that section are to be considered applicable to them.

XXXIX. Nothing in the two preceding sections shall be understood to preclude the revision and correction of allotments of the public assessment upon portions of estates disposed of by public sale, or private transfer, or upon the partition of joint estates, in cases of evident error, collusion, or fraud, for which provision has been made by Regulation XXVI.. 1803, prescribing rules for the sale and division of lands paying revenue to Government; nor shall anything in the foregoing section be construed to authorize the Collectors, or any other Officers of Government, to determine finally the amount of the public assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, or divided between sharers, without the sanction of the Board of Revenue, as more fully provided for by the Regulation above mentioned.

A. D. 1822.—REGULATION VII.:

A REGULATION FOR DECLARING THE PRINCIPLES ACCORDING TO WHICH THE SETTLEMENT OF THE LAND REVENUE IN THE CEDED AND CONQUERED PROVINCES IS TO BE HEREAFTER MADE.

WHEREAS the existing settlement of the land revenue in the Ceded Provinces will expire with the present Fuslee year, and it has therefore become necessary, to declare and enact the principles and rules according to which the demand of the State is thereafter to be regulated, and the manner in which future settlements and revisions of settlements are to be conducted; and whereas, a moderate assessment being equally conducive to the true interests of Government and to the well-being of its subjects, it is the wish and intention of

Government that, in revising the existing settlement, the efforts of the Revenue Officers should chiefly be directed, not to any general and extensive enhancement of the jumma, but to the objects of equalizing the public burthens, and of ascertaining, settling, and recording the rights, interests, privileges, and properties of all persons and classes owing, occupying, managing, or cultivating the land, or gathering or disposing of its produce, or collecting or appropriating the rent or revenue payable on account of land, or the produce of land, or paying or receiving any cesses, contributions, or perquisites to or from any persons resident in, or owning, occupying, or holding parcel of any village or mehal; and whereas, with these views and intentions, the Governor-General in Council has considered it to be expedient and proper, with the exception hereinafter specified, to continue the existing assessment in all cases in which the settlement has been formed with Zemindars or other persons acknowledged as proprietors or possessors of a permanent interest in the mehal for which they may have engaged, until a new settlement can be made, combining with the revision of the Government jumma, and the deliberate investigation of the facts by the determination of which its amount must be regulated, a full enquiry into, and a careful settlement of, the rights and interests of all classes connected with the land; and whereas the same principles are applicable to the District of Cuttack, the Pergunnah of Puttaspore and its Dependencies, of which the settlement will expire with the present Umlee year; and whereas it has appeared expedient to make special provision for the early settlement of the Districts of Goruckpore, the Chucla of Azimgurh, the Pergunnah of Puttaspore and its Dependencies; and whereas it is also advisable to provide for the revision of the settlement of the Conquered Provinces and of the Province of Bundelcund, pending the continuance of the existing leases; and whereas it is the desire of Government that the proceedings held and the records formed by the Collectors, when making settlements or otherwise specially employed in conducting enquiries of the above nature, should be such as that all demands, claims, and suits may be adjudged and determined according to the facts therein stated, until the same shall have been formally altered, or it shall be shown, by the result of a full investigation in a regular suit, that the proceeding or record of the Collector was erroneous or incomplete; and whereas it is necessary to declare and define the powers and authority to be vested in Collectors in the conduct of the said enquiries, and the adjustment of the differences arising out of or made known by them; and whereas it further appears advisable that the Revenue Officers should, in certain cases, be vested with

CHAPTER II. authority judicially to receive, hear, investigate, and determine suits, claims, and demands of the above description; and whereas it appears to be expedient to declare and explain the views and intentions of Government relative to the rights to be enjoyed and exercised by the Sudder Malgoozars, or persons admitted to engage for the payment of the Government revenue, and by persons collecting the rents of the land or revenue of Government, without being subject to the payment of any portion of it to the public treasury, such as jagheerdars and other owners or managers of lakhiraj lands, and it is particularly necessary, in the case of estates held in putteedaree or bhyachara tenure, to make further provision for protecting the sharers who have not been admitted to engagements with Government against the encroachments of the Sudder Malgoozar, and likewise to secure the latter against the consequences of the embezzlement or misappropriation by the former of the funds whence the Government revenue ought to be discharged.

For the purposes and objects above specified, the following rules have been enacted, to be in force from the date of their promulgation, throughout the Ceded and Conquered Provinces in the District of Cuttack, the Pergunnah of Puttaspore and its Dependencies.

II. *First*,—The existing settlement of the land revenue in the Ceded Provinces, with the exception hereinafter specified, shall, in all cases in which it may have been concluded with Zemindars or persons acknowledged as the proprietors or possessors of a permanent interest in the mehal for which they have engaged, continue in force until the end of the expiration of the year 1234 Fuslee, subject to the following provisions:—

Second,—In like manner, and subject to the same provisions, the existing settlement of the land revenue in the District of Cuttack shall, in all cases wherein it may have been concluded with persons of the above description, continue in force until the end of the year 1234 Umlee.

Third,—The Board of Commissioners in the Ceded and Conquered Provinces, and the Commissioner in Cuttack, having, under instructions from the Governor-General in Council, caused proclamations to be issued in the several districts under their authority, declaring the Resolution of Government to extend the existing leases as above, and requiring all Zemindars and other persons aforesaid who might be unwilling to continue their engagements for a further period of five years, to notify the same to the Collector of the zillah, the said proclamations are hereby sanctioned and confirmed; and all Zemin-

dars and other persons aforesaid who shall not have made a notification to the effect and within the period thereby required, shall be held and are hereby declared to be responsible for the same revenue for each of the ensuing five years,—*viz.*, until the expiration of the year 1234 Fuslee, or 1234 Umlee, as the case may be,—as may be demandable from them on account of the present year.

Fourth,—The Districts of Goruckpore and Azimgurh are excluded from the operation of the rules contained in the preceding clauses of this section. The Zemindars and other persons aforesaid within the said districts shall be allowed to hold, from year to year, the mehals for which they may now be under engagements, subject to the payment of the jumma demandable on account of the present year, until the Revenue Officers shall be prepared to commence a careful revision of the settlement of their respective estates; and all engagements into which such Zemindars and other persons may have entered or shall enter with the local Revenue authorities for continuing their present leases as aforesaid are hereby confirmed.

Fifth,—In like manner, the Zemindars and other persons aforesaid within the Pergunnah of Puttaspore and its Dependencies shall similarly be allowed to hold, from year to year, the mehals for which they may now be under engagements, until a proper settlement of the same can be made.

Sixth,—Provided, also, that it be hereby declared and enacted as general rule, that if any Zemindar and other Malgoozar as aforesaid who may now or hereafter be under engagement for the payment of the revenue demandable by Government on account of any mehal, shall be allowed by the Revenue authorities to continue in the management of such mehal after the expiration of such engagement, and shall do or direct any act relative to the cultivation or management of such mehal, or the settlement, assessment, or collection of the rents of such mehal, in or on account of any year subsequent to the term of such engagement, such Zemindar or other Malgoozar aforesaid shall be held to be responsible on account of such year for the same revenue as may have been demandable from him for the year preceding, unless otherwise specially agreed upon. Provided, further, that it shall be competent for Collectors, or other Officers exercising the powers of Collectors, with the sanction of the Board or Commissioner to whom they may be subordinate, at any time, not being more than six months previous to the expiration of a settlement, to call upon the Zemindars or other Malgoozars as aforesaid to declare whether or not they are willing to continue their engagements for the ensuing year;

CHAPTER II. and if such Zemindars or other Malgoozars shall not forthwith notify their refusal to do so, they shall be held to have agreed to such an extension of their leases at the existing assessment, and so on, from year to year, as aforesaid. Zemindars or other Malgoozars who may be allowed to hold on from year to year shall not be chargeable with any additional revenue on account of any year, unless the Collector, or other Officer exercising the powers of Collector, shall notify his intention to revise the assessment on or before the commencement of such year, unless where otherwise specially provided.

III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor-General in Council may direct. A preference shall be given to the Zemindars or other persons possessing a permanent property in the mehals, if willing to engage for the payment of the public revenue on reasonable terms; provided, also, that in cases wherein such mehals may be let in farm, the term of the lease granted to the farmers shall not exceed twelve years. The above rules shall likewise be applicable to estates now held khas. So, in any cases wherein the Zemindars and other proprietors may refuse to continue their existing engagements, or to enter into new engagements on equitable terms, it shall be competent to the Revenue authorities to let the lands in farm, for such period not exceeding twelve years as the Governor-General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper. Provided, further, that if in any case it shall appear to the Revenue authorities that the continuance or admission of any Rajah, Zemindar, Talookdar, or other person who may have engaged or may claim to engage for any mehal or mehals, in or to the management of such mehal or mehals, would endanger the public tranquility, or otherwise be seriously detrimental, it shall be their duty to report the circumstance to Government, and it shall be competent to the Governor-General in Council, by an order in Council, to cause such mehal or mehals to be held khas, or let in farm, for such term as may appear expedient and proper, not exceeding the period above specified.

IV. In admitting particular parties to engage, it was in no degree the intention of Government to compromise private rights or privileges, or to vest the Sudder Malgoozars with any rights not previously possessed by them, excepting in so far as their interest in the land for which they may have engaged might be improved by the limitation of the Government de-

mand, or otherwise by the resignation in their favor of rights previously vested in Government itself, or as it may have been found necessary, with a view to the punctual realization of the public dues, to vest the Sudder Malgoozar, by special regulation, with authority of distraint or other powers of coercion over the under-tenants. On the contrary, it is the anxious desire of Government, and the bounden duty of its Officers, to secure every one in the possession of the rights and privileges which he may lawfully possess, or be entitled to possess. In pursuance of this principle, it is hereby declared and enacted that nothing in the above provisions for extending the existing leases, or in the stipulations of the existing settlements, do or shall be construed to bar the Revenue Officers, duly empowered in that behalf, from interfering to adjust the respective rights of the Sudder Malgoozars and their under-tenants; nor shall any claims to a remission or abatement of revenue be admitted on the ground of any decision or order passed in that behalf; but if such decision or order shall operate materially to reduce the profits dreived by any Zemindar or Malgoozar from the mehal owned or managed by him, it shall be competent for such Zemindar or Malgoozar to relinquish his engagements, and the Revenue Officers shall in such case proceed to make a settlement of the mehal *de novo*.

V. *First*,—The provisions contained in the existing regulations regarding the allowance to be made to Zemindars and other Malgoozars who may be excluded from the management of mehals owned or claimed by them, whether as malikana or nankar, are hereby rescinded.

Second,—The proprietors of estates let in farm or held khas shall be entitled to receive an allowance of malikana at such rate as the Board of Commissioners, or other authority exercising the powers of that Board, may determine, anything in the existing regulations notwithstanding: the said malikana to be apportioned in cases in which several proprietors may have heretofore held an estate under one common assessment, whether in joint tenancy or otherwise, according to the shares of each respectively; provided, also, that the malikana allowance granted to the proprietor or proprietors of any mehal shall not in any case be less than five per cent. on the net amount realized by Government from the lands; nor shall it exceed ten per cent. on that amount without the special sanction of the Governor-General in Council. Provided, further, that if the said proprietors shall in any case be in the receipt of any perquisite or the profits of any lands in lieu of the nankar formerly granted to them by the native governments, or otherwise, in consideration

CHAPTER II. of their proprietary tenure, the amount of such allowance shall be deducted from the malikana to which they are by this section declared to be entitled; provided, also, that this rule shall not apply to such Zemindars as may continue in the occupancy of their tenures, whilst the mehal in which they are included is held khas or farmed, or of any part of them,—that is to say, Zemindars who may cultivate or lease their lands, and pay the revenue to the farmer or Government Officer; nor without the special sanction of Government to any Malgoozar, Zemindar, or other proprietor or holder of land who may, directly or indirectly, continue to draw any allowance from the ryots of the lands farmed or held khas; provided, also, that Malgoozars, not being actual proprietors of the land included in the estate for which they may have formerly been under engagements, though recorded in the accounts of past settlements as Zemindars, Talookdars, or the like, orbeing proprietors of a part only of such land, shall not receive the above allowance on the jumma of the estate, but shall receive such allowance in lieu of their title of management as it may appear to Government to be equitable to assign, in addition to the malikana to which they may be entitled on account of any lands held by them in actual property, and of which they may not retain the occupancy; and no malikana shall be granted to any Sudder Malgoozar on account of lands the occupants of which may deny his right of property, until he shall have established his right by a regular suit in a Court of Justice, or to the satisfaction of the Board. But in such cases such provision will be made for the intermediate support of the party as the Governor-General in Council may, on the recommendation of the Board, see fit to direct.

Third,—Provided, also, that if any Zemindar or Sudder Malgoozar shall have been called upon by a Collector, or other Officer exercising the powers of a Collector, to state the highest amount of jumma for the payment of which he may be willing to engage, and shall have stated the same accordingly, the sum so stated by such Zemindar or Sudder Malgoozar, and not the jumma ultimately realized by Government, shall form the basis on which his malikana allowance shall be adjusted; and in such case it shall and may be lawful for the Revenue authorities to limit the said allowance to five per cent. on the said sum, or to a portion thereof, according to the extent of the proprietary interest possessed by the said Zemindar or Sudder Malgoozar. Provided, also, that if a Zemindar or Sudder Malgoozar, when so called upon, shall fail to specify or tender any sum as aforesaid, then, and in that case, the net revenue derived by Government from the mehal on account of the

year preceding that in which the Collector or other Officer aforesaid may make the said requisition, shall be taken as the sum by which the amount of malikana (not being less than five nor more than ten per cent. on the same) shall be adjusted.

VI. *First*,—In cases wherein the existing engagements may be continued under the rule contained in Section 2 of this Regulation, it shall and may be lawful for the Collectors, with the sanction of the Board of Commissioners, to enter, at any time in the course thereof, on a revision of the settlement, notwithstanding such continuance of the existing leases, and to adopt such measures as may be requisite for ascertaining and determining the extent and produce of the lands, and the amount of jumma properly demandable therefrom, and for procuring and recording the fullest possible information in regard to the rights, interests, privileges, and properties of the agricultural community; and to determine the same with the same powers and authority as they now are or may hereafter be entitled to exercise in forming the settlement of estates open to re-assessment.

Second,—The said revision of the settlement shall be made village by village and mehal by mehal, and such number of mehals shall be revised in each year as the Board, under the orders of the Governor-General in Council, may direct.

Third,—Such revision of the settlement shall not operate to disturb the existing engagements during the period for which they may be continued under the provisions of Section 2 of this Regulation, in so far as such engagements relate to the amount of jumma demandable by Government; but the said engagements shall be held and considered to include only such villages and lands as may be specified in the proceedings or accounts of the settlement last concluded; and if on the revision of the settlement of any mehal it shall be found that there has been any material error or concealment of lands belonging to such mehal, the Collector shall be authorized, subject to the orders of the Board, separately to assess the lands so withheld from the knowledge of the Revenue authorities, in the same manner and with the same powers as he would assess an unsettled mehal. Provided, also, that nothing in this or the preceding sections shall be construed to prevent the Revenue Officers from passing and enforcing such orders in regard to the rights and interests to be enjoyed by the different classes or persons connected with any mehal during the period for which the existing settlement has been extended, as they may or shall be authorized to pass or enforce when adjusting the assessment of an unsettled mehal.

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Fourth,—It shall in like manner be competent to the Collectors in the Conquered Provinces and in the Province of Bundelcund to enter on a revision of the settlement, under the provisions contained in the preceding clauses of this section, during the continuance of the existing leases.

VII. *First*,—When a Collector in the Ceded Provinces or in the Province of Cuttack shall have completed the revision of the settlement of any mehals under the rules contained in the preceding section, it shall and may be lawful for him, subject to the orders of the Board of Commissioners and of Government, to grant to the proprietors, if willing to engage on adequate terms, renewed leases for such further term of years subsequent to the year 1234 Fuslee or Umlee as the Governor-General in Council may direct.

Second,—The assessment to be demanded on account of the years subsequent to the year 1234 Fuslee, to which leases renewed as above may extend, shall be fixed with reference to the produce and capabilities of the land, as ascertained at the time when the revision of the settlement shall be made, unless under special circumstances justifying a prospective enhancement of the Government demand. Provided, also, that the amount of such assessment shall not be raised above that of the present jumma, unless it shall clearly appear that the net profits to be derived from the land by the Zemindars and others who may be entitled to share in the profits arising out of the limitation of the Government demand will exceed one-fifth of that amount; and in cases wherein any increase may be demanded, the assessment shall be so regulated as to leave the Zemindars and others aforesaid a net profit of twenty per cent. on the amount of the jumma payable by or through them respectively. No abatement on the existing jumma will be allowed, unless on the clearest grounds of necessity.

Third,—The pottahs granted on such revised settlements shall be held only to secure the Malgoozars from further demand, during the term of their respective leases, on account of the lands specified in it, or described in the settlement roobakaree of the Collector, with such allowance for error as may be distinctly declared at the time of settlement. Zemindars and other persons entering into engagements will be required therefore to afford the fullest and most correct information in regard to the rucba of the mehals for which they may engage.

Fourth,—In like manner it shall and may be lawful for Collectors in the Conquered Provinces and in the Province of Bundelcund to grant renewed leases for a further term of years

subsequent to the expiration of the existing settlement, subject to the same rules, restrictions, and provisions as are enacted in the preceding clauses relatively to the Ceded Provinces.

Fifth,—If any Zemindar or other Sudder Malgoozar, the settlement of whose estate may be revised under the above rules, shall refuse to enter into suitable engagements for a further period beyond the term of the then current lease, or if after such revision the Revenue authorities shall under any other circumstances deem it expedient to postpone taking further engagements for the payment of the revenue of any mehals until the expiration of the current leases, it shall be competent to them to do so ; and in such case the several rules contained in Section 3 of this Regulation relative to estates of which the settlement will expire with the present year, shall, on the expiration of the said leases, be and be held applicable to such mehals.

Sixth,—The same rules shall also be applicable to the several mehals within the District of Goruckpore, the Chulah Azimgurh, the Pergunnah Putaspore and its Dependencies, as they may respectively become or be declared open for re-settlement.

VIII. Where the waste land belonging to or adjoining any mehal is very extensive, so as considerably to exceed the quantity required for pasturage or otherwise usefully appropriated, it shall be competent to the Revenue Officers to grant leases for the same to any persons who may be willing to undertake the cultivation in perpetuity, or for such periods as the Governor-General in Council shall determine, and to assign to the Zemindars, or others who may establish a right of property in the lands so granted, an allowance equivalent to ten per cent. on the amount payable to Government by the lessees, in lieu and bar of all claims to or in the waste lands so granted, or such other perquisites or privileges as by the custom of the country they may appear in such cases entitled to receive.

IX. *First*,—It shall be the duty of Collectors, and other Officers exercising the powers of Collectors, on the occasion of making or revising settlements of the land revenue, to unite with the adjustment of the assessment and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests, and privileges of the various classes of the agricultural community. For this purpose, their proceedings shall embrace the formation of as accurate a record as possible of all local usages connected

CHAPTER II. with landed tenures, as full as practicable a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land or the rents of it, care being taken to distinguish the different modes of possession and property, and the real nature and extent of the interests held, more especially where several persons may hold interests in the same subject matter of different kinds or degrees. This record shall, in putteedaree, byachara villages, or the like, include an accurate register of all the co-parceners, not merely the heads of divisions, such as the puttees, thokes, or bharees, but also, as far as possible, of every person who occupies land, disposes of its produce, or receives rent as proprietor, or as agent for one or more proprietors holding land and disposing of its produce or receiving the rents of it in common, with a detailed statement of the interior arrangements adopted by the brotherhood for the distribution of the profits derived from sources common to the co-parcenary, where any such exist, and for determining the share of the Government jumma, and of the village expenses which each parcener is to contribute, or the other modes in which the engaging parcener or intermediate putteedars and bahreedars collect from the cultivators. A record shall likewise be formed of the rates per beegah of each description of land or kind of produce demandable from the resident cultivators, not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not, and the respective shares of the Sudder Malgoozar, or other manager and the cultivator, in lands cultivated under kunkoot bataie, or similar engagements, with a distinct specification of all cesses or extra collections made by the Malgoozar or village manager, or others. The names of all the village Putwarees and village watchmen shall also be registered, with a statement of the amount and nature of the allowances assigned to them; and all lakheraj tenures shall be carefully recorded, with a specification of the nature of the tenure. The information collected on the above points shall be so arranged and recorded as to admit of an immediate reference hereafter by the Courts of Judicature; it being understood and declared that all decisions on the demands of the Zemindars shall hereafter be regulated by the rates of rent and modes of payment avowed and ascertained at the settlement, and recorded in the Collector's proceedings, until distinctly altered by mutual agreement, or after full investigation in a regular suit; and all cesses or collections not avowed and sanctioned, nor taken into account in fixing the Government jumma, shall be held illegal and un-

authorized, unless now or hereafter specially sanctioned by Government.

Second,—Provided, also, that it shall be competent to Collectors and other Officers as aforesaid (subject to the orders of the Board of Commissioners) to grant pottahs to the several Mofussil Zemindars and ryots, or other owners or occupants of land, for the land owned or occupied by them, specifying the amount to be paid by them, and all the conditions attaching to their tenure; and a register of all pottahs so granted shall form a part of the roobakaree of settlement.

Third,—Provided, however, that if from the number of estates, of which the leases may at once expire in any district, or from any other special cause, it shall be found necessary for the security of the Government revenue to take engagements from any Zemindar, Malgoozar, or farmer, without completing the detailed enquiries above directed, it shall be competent to the Board of Revenue, or other authority exercising the powers of such Board, to cause engagements for the revenue to be taken in the manner heretofore in use, reporting the circumstance to the Governor-General in Council; but the term of the engagements so taken shall not exceed five years, and the rules relative to the revision of the settlements of mehals, of which the existing leases have been extended under the provisions of Section 2 of this Regulation, shall be equally applicable to estates for which such engagements shall be taken.

X. *First*,—Of several parties possessing separate heritable and transferable properties in any parcel of land, or in the produce or rent thereof, such properties consisting of interests of different kinds, it shall be competent to the Governor-General in Council to determine and direct which of such parties shall be admitted to engage for the payment of the Government revenue, due provision being made for securing the rights of the remaining parties. It is further hereby declared and enacted that it is and shall be competent to the Governor-General in Council, in confirming the settlement of any mehal in perpetuity or for a term of years, to determine and prescribe the manner and proportion in which the net rent or profit arising out of the limitation of the Government demand shall be distributed among the different parties possessing an interest in the lands appertaining to such mehal, or in the rent or produce of such lands or mehal.

Second,—In cases wherein any land appertaining to a mehal hitherto recognized as the talooka, zemindaree, or the

CHAPTER II. like, of one or more Sudder Malgoozars, may be owned or occupied by other persons holding under the Sudder Malgoozar, and possessing an heritable and transferable property therein, or a hereditary right of occupancy subject to the payment of a fixed rent, or of a rent determinable by a fixed principle, if the title of the said Sudder Malgoozar to engage for the revenue be upheld, and generally in cases wherein the tenure of an intermediate Malgoozar or manager between the Government and the proprietors or hereditary occupants of the soil may be maintained, whether the Government revenue be collected from the Zemindar, Talookdar, or other hereditary intermediate Malgoozar, or the mehal be farmed or held khas, it shall be competent to the Collector, or other Officer who may be employed in adjusting the jumma to be assessed on such mehal, with the sanction of the Board previously obtained, and subject to the orders and direction of that authority, to make a mofussil settlement with each of the proprietors or occupants aforesaid for the land possessed by him, and to grant such proprietors or occupants pottahs defining the condition on which they are to hold their land, whether subordinate to the Sudder Malgoozar, or to the farmer or Officer of Government employed in the khas management; and in all such cases, if engagements for the Government revenue of the mehal be taken from the intermediate hereditary Malgoozar, the particulars of the mofussil settlement, when approved by the Board, shall be endorsed on the pottah to be granted to the Sudder Malgoozar, or shall be so incorporated with the engagement taken from him as to form part of the same.

Third,—In cases in which two or more persons may possess a joint property in any village, mehal, or parcel of land, or in the rent or produce of any village, mehal, or land, or in any part of such village, mehal, land, rent, or produce, the property of such persons consisting of interests of the same kind, whether of the same extent or otherwise, as well as in cases wherein such property in any mehal, village, land, produce, or rent may be separately possessed by parties subject by prescriptive usage to common obligations, whether existing or contingent, it shall be competent to the Collector, or other Officer exercising the powers of Collector, subject to the orders and direction of the Board and of the Governor-General in Council, either to make a joint settlement with the parties collectively, or a majority of them, or with an agent appointed by them, or a majority of them, or to select one or more of them to undertake the management of the mehal as Sudder Malgoozars, due advertence being had to the wishes of all the

co-parceners, and to the past custom of the village or villages comprised in the mehal.

Fourth,—When it shall be determined to make a joint settlement for any village, mehal, or parcel of land with the parties possessing therein a joint property as aforesaid, the Collector, or other Officer making the settlement, shall give notice of his intention by a written proclamation, to be stuck up in some public place within the village, mehal, or land, and shall require all persons possessing therein a property as aforesaid to attend, either in person or by representative duly authorized in the matter, within a reasonable period, at a stated place and time, and to declare their agreement or non-agreement to the jumma proposed to be assessed on the village or land.

Fifth,—If any person or persons, when summoned as above, shall refuse, neglect, or omit to attend, either in person or by representative, such person or persons shall be held to be bound by the decision of the majority of those who may attend in agreeing or disagreeing to the jumma, and his or their interests and estate shall, unless otherwise specially allowed, be held responsible for the Government revenue, and be liable to sale in the event of any arrear accruing on account of the settlement.

Sixth,—If any person or persons shall attend, and shall object to the jumma proposed to be assessed, then, should a settlement be made with the other parties present, the objecting parties shall be left in the enjoyment of the same rights and interests as they would enjoy in the event of the mehal being farmed or held khas; and in so far as regards the lands to which such rights and interests attach, the other parceners, if their engagements be extended thereto, shall be considered farmers of the Government revenue, to hold the same under leases of such term as may be determined and agreed upon under the general rules applicable to lands for which the proprietors may refuse to engage.

Seventh,—When any mehal, or portion of a mehal, held by a number of cultivating proprietors in putteedaree or byachara tenure, or the like, shall be let in farm or held khas, the rent demandable from the proprietors of such mehal, or portion of mehal, on account of the land occupied and cultivated by themselves, shall be adjusted by the rates payable by ryots or other resident cultivators, not having a heritable and transferable property in the soil, for lands of a similar description in the same or in the adjoining villages, with a deduction

CHAPTER II. of five per cent. on account of malikana, or such other rate, not being less than five per cent., as Government may determine.

Eighth,—When it shall be determined to make a settlement of a mehal of the above description with one or more of the parceners selected to manage, collect, and account for the public revenue as Sudder Malgoozar, then, and in that case, the interests of the non-engaging parceners shall not be held answerable for the default of the Sudder Malgoozars, save and except in so far as may be specifically provided. Such parceners shall, until regularly separated, continue to hold their lands as subordinate proprietors, subject to the payment of rent or revenue to the Sudder Malgoozar, at the rates and in the mode heretofore in use, excepting in so far as that usage may be affected by the determination of Government in regard to the distribution of the net rent or profit derived from the limitation of the Government demand, or by the rules now in force, or hereafter to be enacted, for vesting the Sudder Malgoozars with specific powers over the subordinate tenants in the collection of the rent or revenue demandable from them. The responsibility attaching to the persons selected as Sudder Malgoozars, and the conditions under which they are to hold that title of management, will in each case be specifically declared at or after the time when the settlement is confirmed. The conditions and limitations under which the subordinate proprietors shall be admitted to separate engagements will also be similarly declared.

Ninth,—Provided, further, that in all cases wherein different parcels of land belonging to any mehal may be separately owned and occupied by different proprietors, or by different bodies of proprietors, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, to cause a separate settlement to be made for the land owned and occupied by each proprietor, or by each body of proprietors, and each parcel of land for which a separate settlement may be so made shall be held exclusively responsible for the revenue assessed upon it. Provided, also, that if the several parties possessing a joint property or separate properties subject to a common obligation as aforesaid, or any of them, shall apply to a Collector, or other Officer making or revising a settlement, to have separate possession of their several share or shares in such joint property, or to be admitted to separate engagements, it shall be competent to such Collector or other Officer, with the sanction of the Board, or other authority to which he may be subordinate, to make a partition of the property among the different parties according to their respective

interests, and to make a separate settlement with each of them, or with such as may desire to enter into separate engagements.

Tenth,—In all cases wherein any proprietors may be excluded from engagements, the Collector shall be careful to let it be known that all persons possessing a property in the mehal are entitled to have their names recorded in the roobakaree of settlement, with the amount or rate of the assessment demandable from each.

XI. *First*,—The Collector's proceedings, in forming the registry above directed, shall be founded on the basis of actual possession, and that Officer shall in every instance be careful to record the precise nature of the authority on which the entries in his books may be made. In conformity with the above principle, it shall be competent to the Collectors or other Officers, when making or revising settlements, or otherwise deputed to investigate and determine the circumstances of any mehal, and the nature of the tenures connected with it, to correct the errors or omissions of former settlements by admitting to engagements, or entering on the public records the names of persons found in the *bonâ fide* possession of land, or in the receipt of rent under a proprietary title; and in such cases the Collector will hold an official proceeding, explaining fully the grounds on which he may act.

XII. *First*,—In cases in which the proportion of the Government jumma and village expenses payable by each proprietor and by each body of proprietors comprised in the several puttees, bahrees, and other divisions of an estate held under putteedaree or byachara tenure, or the like, may have been originally fixed, on a measurement of the lands occupied by each with reference to the quantity in cultivation, and may be liable by the usage of the country to periodical adjustment on the same principle, if the Collector, or other Officers making or revising the settlement, shall be satisfied, by examination of the Putwaree's accounts or otherwise, that the contributions paid by any proprietor or body of proprietors as aforesaid are materially in excess of the amount justly demandable from them, it shall be competent to him, with the previous sanction of the Board, to cause a new distribution to be made of the revenue and charges payable by each, with reference to the above principle, and to such resolutions as Government may have passed relative to the apportionment of the net rent or profits arising out of the limitation of the Government demand, and in the performance of this duty to employ the Canoongoe, and such person or persons as he may judge it advisable to appoint, and to settle the jumma payable by the different parties according to the award of such

CHAPTER II. person or persons, or otherwise, as shall appear to be just and equitable.

Second,—In like manner, in cases in which the several proprietors shall be entitled, not only to an adjustment from time to time of the jumma payable on account of the lands occupied by them, but likewise to a periodical partition of the lands of the village with reference to the share recorded as belonging to each, it shall be competent to the Collector to cause a fresh partition of the lands and adjustment of the jumma to be made as above prescribed, and at the same time to fix and declare the period from which the arrangement finally settled is to have effect, and to adjust the claims of the parties relative to the revenue intermediately paid by them as may appear equitable. Provided, however, that no such partition or adjustment shall be final, until confirmed by the Board of Commissioners, or other authority exercising the powers of that Board; provided, also, that if any parties shall dispute the existence of the usage under which the partition of the lands shall have been made, and shall claim to be restored to possession of the lands which the Collector may have transferred to another, or shall consider himself entitled to the benefit of a new partition of the lands comprized in the mehal to which he may belong, in any case in which the Collector may have refused to order it, it shall be competent to the said party to bring a regular suit in the Zillah Court against the person or persons to whom the lands may have been transferred, or the person or persons who may resist the partition, to try the justness of the Collector's decision; but if the existence of the usage shall be admitted or established, it shall not be competent to the Courts of Judicature to question the accuracy of the partition of the land or adjustment of the jumma; and whenever the decision of a Collector for the partition of any land shall be set aside, it will of course belong to the Revenue authorities to re-adjust the jumma with reference to the interests of the parties as defined and settled by the final decision of the Courts of Judicature, and to the conditions of the tenure, and to any general or special resolution of Government relative to the distribution of the net rent or profit arising out of the limitation of the public assessment.

XIII. Collectors, and other Officers exercising the powers of Collectors, shall not, unless where specially authorized in the manner prescribed in this or some other Regulation, do any act tending to disturb possession, but shall leave the Adawlut to investigate in a regular suit all claims of persons not in possession, but deeming themselves entitled to be so.

XIV. *First*,—Collectors making or revising settlements shall, in cases in which any dispute may exist in regard to the nature of the tenure of any person occupying the soil, be competent to declare, in an official proceeding to be incorporated in the roobakaree of settlement, the nature and extent of the interests actually possessed by such occupant, referring to the denomination heretofore applied to him only as one means of proof in regard to the nature of the interests, but stating at length, with specification of any examination he may take for his satisfaction, the grounds of his determination. So also in cases of dispute regarding the extent of the interest belonging to any sharer in a village or villages held under putteedaree, byachara, or the like tenure, such sharer having actual possession of a portion of such village or villages, or being in the actual receipt as proprietor of a share of the joint profits of the land, it shall be competent to the Collector to decide the point, in the first instance, in his roobakaree of settlement, and to enforce his decision, leaving the party who may deem himself aggrieved to seek redress by a regular suit in the Courts to try the right; but nothing herein contained shall be construed to authorize the Courts to interfere with the decision of the Collector in regard to the amount or proportion of jumma to be assessed on any parcel of land, or in respect to the quantity and description of land to be assigned in partition to the holder of any specific share of a joint estate.

Second,—The above rule shall not be construed to empower Collectors, unless otherwise authorized, to take cognizance of any claim to receive a larger portion of the common profit than the claimant has hitherto enjoyed, or to hold a larger portion of the village or villages than he has hitherto occupied.

Third,—The decisions passed by the Collectors under the above powers, if not altered or annulled by the Board or by Government, shall be maintained by the Courts, unless on investigation in a regular suit it shall appear that the possession held under such a decision is wrongful ; and nothing herein contained shall be understood to authorize any Court to interfere with the decision of the Revenue authorities relative to the jumma to be assessed on any mehal, or portion of a mehal, or to the extent and description of lands belonging to any mehal that may be assigned on the partition of the same to the several parceners concerned.

Fourth,—If any person shall complain to a Collector, or other Officer making or revising the settlement of any mehal, that he has been wrongfully dispossessed from any lands,

CHAPTER II. premises, crops, orchards, pasture grounds, fisheries, wells, water-courses, tanks, reservoirs, or the like, within such mehal, or of the rents, produce, or profits of such lands, premises, &c., the like as aforesaid, or that he has been wrongfully disturbed in the possession thereof, it shall be competent to the Collector, or other Officer aforesaid, to enquire into the matter, and if the party so complaining shall appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe that he has been violently or wrongfully dispossessed or disturbed, it shall be competent to the Collector to restore or confirm him, recording the grounds of his determination in a roobakaree, and the opposite party shall in such case be left to bring a regular suit in Court to try the question of right. In like manner, should a Collector, or other Officer as aforesaid, find that there exist in any mehal, of which he may be making or revising the settlement, any disputes relative to the possession of lands, premises, or the like, which it may be expedient to adjust, it shall be competent to the Collector, or other Officer aforesaid, to pass a decision determining the point of possession, leaving the question of right, if further disputed, to be settled by the result of a regular suit in the Adawlut.

Fifth,—The above provisions shall be held to apply to all cases in which a Zemindar or under-tenant, whether farmer or ryot, having by special deed or prescriptive title a right of occupancy, shall have been wrongfully ousted from the occupancy of lands held and cultivated by him in the preceding year, or in which the rents or profits of any land which were received by such dispossessed party in the preceding year shall be withheld from him, without a legal award or a voluntary act of the party involving the transfer, renunciation, or relinquishment of such rents and profits. But the above rule shall not apply to any case in which the complaining party may have executed any deed purporting to be a relinquishment of possession, unless it shall have been established by some judicial proceeding that such deed was extorted by force and terror, nor to any cases wherein the complainant shall have in any way lost or relinquished possession previously to the commencement of the year preceding that in which the complaint may be preferred.

XV. In the settlement of any resumed mehal held, or pretended to be held, under sunnuds from the ruling power, or from the Amils or other Officers of the Government, whether such lands shall have been heretofore subject to the payment of revenue or otherwise, it shall be competent to the Collector, or

other Officer making the settlement, to hear, try, and determine all claims to the property and possession of the lands comprising such mehal, or the rents or produce thereof, anything in the existing regulations notwithstanding, and subject to the orders and direction of the Board of Revenue, or other authority exercising the powers of that Board, to give possession to, and conclude a settlement with, the party who may appear to have the best title, leaving other claimants to establish their claims by a regular suit in the Zillah or Provincial Court, by which, according to the value of the interest at stake, all decisions passed by the Revenue authorities under this section may, on such suit being fully heard, sued, and determined, and not otherwise, be revised, annulled, or altered. The above rule shall not extend to lands held free of assessment under grants made by, or at the request of, the proprietors themselves, or their representatives, the settlement of which shall ordinarily be made with the parties in possession, if willing to engage on adequate terms.

XVI. It shall be competent to the Governor-General in Council to grant to a Collector making or revising the settlement of any mehal, whether the same may have been held by a lakheraj tenure resumed, or, being malgoozaree, may have become open to re-settlement in ordinary course, special authority to hear, try, and determine as above, all claims to the property and possession of the lands lying within such mehal, or the rent or produce thereof, and to give possession to the party who may appear to have the best title, subject to the orders and direction of the Board, and, further, subject as above to the revision of the Zillah or Provincial Court on a regular suit; provided, also, that whenever special authority may be given to any Collector as aforesaid, notice of the order of Government shall be published by a proclamation within the mehals to which the authority so given may extend, and it shall be the duty of the Collectors and the Boards to see that such proclamation is duly made. But no decision passed by a Collector under this or any other section whereby such notification is required shall be disturbed by any Court of Judicature, otherwise than after a full and regular investigation of merits, on the plea that proclamation was not made.

XVII. It shall be competent to Collectors, and other Officers engaged in making or revising the settlement of any pergunnah, mouzah, or other local division, on the application of persons claiming a right of property in lands held free of assessment, or at a mokurraree jumma, under unquestioned grants from the ruling power, or from the Amil, or other Officers of

CHAPTER II. Government, and situated within or adjoining to such pergunnah, mouzah, or other local division, to receive, try, and determine the claim; and if satisfied that the applicants do possess, or are entitled to possess, a hereditary and transferable property in the land, or the produce or rent thereof, the Collector or other Officer, with the sanction of Government previously obtained, shall be authorized to conclude a settlement with them on behalf of the lakherajdar or mokurrureedar, for such period as the Governor-General in Council may direct, and shall grant to each of the said proprietors pottahs defining the conditions on which they are to hold their lands, subordinate to the lakherajdar or mokurrureedar. It shall further be competent to the Collector under the orders of the Board of Commissioners, to fix and declare the amount of malikana or other proprietary allowance to be paid by such lakherajdars or mokurrureedars to the said proprietors, in the event of their being divested of the occupancy and management of their lands; provided, however, that either party who may be dissatisfied with the decision of the Collector as to the question of the right of property shall be at liberty to contest the same in a regular suit in the Adawlut; but the Courts shall not interfere to alter the terms on which the settlement may have been made by the Collector with proprietors, or the amount of malikana granted to such persons.

XVIII. The Collector shall, in cases of doubt, be the judge of the question of jurisdiction, subject to the orders of the Board and of Government, and the Courts of Judicature shall not disturb possession given by the Collector, except on a regular suit, and on a decision as to the right.

XIX. *First*,—It shall be competent to Collectors, when prosecuting the above enquiries, or hearing and trying the above suits, or otherwise, when authorized in that behalf by the Board to which they may be subordinate, to require all Sudder Malgoozars and other persons owning, occupying, managing, or cultivating any lands within or in the vicinity of the mehal to which their enquiries may extend, or gathering or disposing of the produce thereof, or collecting, enjoying, or appropriating any rent or revenue derived therefrom, as well as the Gomashtahs or other agents employed by such persons in the management or cultivation of the land, or in the collection of the rent, produce, or revenue thereof, to attend and produce all accounts or other papers which they may respectively possess relative to such lands, produce, rent, or revenue, and to examine the said persons on oath, or hulufnamah, to the truth of the accounts produced, or on any other matter relating to such accounts, or regarding the lands, produce, rent, or revenue of the mehal,

or the rights and interests attaching to such lands, produce, rent, or revenue; provided, however, that no person shall be compelled to answer on oath or solemn declaration any interrogation regarding matters wherein he may have an immediate personal interest in concealing the truth, or in uttering what is false, not being an interest arising out of fear, favor, or reward, or any corrupt bargain or agreement with another party.

Second,—The rules contained in Section 11, Regulation II., 1819, relative to the mode of serving process on persons who may be required to attend and produce accounts under the provisions of that Regulation, shall be and be held applicable to processes issued by Collectors or other Officers under the rules contained in this Regulation. In like manner, the provisions of Section 12 of the said Regulation shall be applicable to all Putwarees, Gomashtas, or other persons by whom the accounts of any lands regarding which the said enquiries may have been instituted may be kept, and who, after being duly summoned as aforesaid, may neglect or omit to produce any of the accounts required from them, or to give their evidence regarding them, or who may deliberately give a false deposition on oath or solemn declaration when summoned and examined as aforesaid, or who may alter, fabricate, falsify, or mutilate the accounts which they may be required to produce; provided, further, that Collectors and other Officers employed in the settlement of the land revenue, or in any of the enquiries specified in this Regulation, shall be vested with all the powers and authority which are or may be lawfully exercised by Collectors in cases depending before them under Regulation II., 1819, and the rules contained in Clause 3, Sections 13, 14, and 19 of the said Regulation shall be and be held applicable to all persons who may be summoned by any Collector or other Officer aforesaid, or who may resist the process of a Collector issued under the rules of this Regulation, or who may refuse to take an oath or subscribe a solemn declaration when required, or who may deliberately a give false deposition on oath, or under a solemn declaration taken instead of an oath, or may cause or procure another to do so

XX. *First*,—The powers specified in Sections 11, 12, 14, 16, 17, 18, and 19 of this Regulation shall be ordinarily exercised by Collectors when employed in making or revising settlements of the land revenue, and shall extend to all the lands comprised in the pergunnah in which he may be so employed; but it shall be competent to the Government, by an order in Council, to be publicly proclaimed in the district, to restrict the authority of Collectors and other Officers making

CHAPTER II. settlements in such manner and to such extent as he may from time to time judge expedient. In like manner, it shall be competent to Government to vest such Collectors, as may from time to time be judged fit, with a special authority to receive, try, and determine in the first instance, subject to a regular suit in the Adawlut as above provided, all or any of the questions of the nature specified in the aforesaid sections, though the said Collectors may not be engaged in making or revising a settlement of the land revenue; and to vest in such of the Collectors as may be thought proper, authority (either generally or within such limits as may be from time to time determined) to receive, try, and determine by summary process all suits for rent which may be preferred by Zemindars, Talookdars, or other Sudder Malgoozars or farmers of land, or by any person in their behalf, against any dependent Talookdar, Zemindar, under-renter, ryot, or other under-tenant of whatever denomination, as well as all applications by ryots and the under-tenants contesting the demand of a Sudder Malgoozar or farmer, and all complaints preferred by ryots, or other under-tenants of whatever description, against landholders or farmers of land, or their respective agents or representatives, on account of excessive demand or undue exaction of rent, whether levied by distraint or otherwise, as well as all suits relative to the adjustment of accounts between landholders and farmers of land or under-tenants of whatever description, with their sureties, or with any agents or persons employed by them in the management of land, or the collection or payment of the rent of land, and to all other matters immediately connected with the demand, receipt, or payment of the rent of land, whether malgoozaree or lakheraj, or with the rent of orchards, pasture grounds, and fisheries, commonly denominated Phulkur, Bunkur, and Julkur, or with any other asset of the land revenue, not included in the sayer abolished, together with all complaints of the non-delivery of pottahs when demandable under the regulations, or complaints of the prescribed receipts not being given for actual payment of the rent, and generally complaints of any deviation from the regulations or from the established usage of the country relative to the matters aforesaid, or any violation of subsisting engagements in disputes respecting the rent and occupancy of land between landholders or farmers of land and their under-tenants of whatever denomination.

Second,—The appointment of the Collector to the discharge of the above duties, and the extent of the jurisdiction to be assigned to him, shall be notified by proclamation in the district, after such manner as the Governor-General in Council

may direct; and after the publication of such notice, all summary suits, actions, applications, and complaints of the above nature, and referring to lands, or the rents, produce, or accessions of land lying within the jurisdiction assigned to the Collector as above, which may be preferred in the Zillah or City Adawlut by any Sudder Malgoozar, Zemindar, Talookdar, farmer, ryot, or other proprietor or under-tenant of land, shall, immediately on being received, be referred for trial to the Collector, to whom also all such summary suits depending at the time shall be transferred; provided, also, that in such cases, parties having suits or complaints to prefer, of which the cognizance may be vested as above in the Collector, shall be at liberty to prefer them to that Officer in the first instance. It shall in like manner be competent to the Governor-General to fix, by an order in Council, the period at which the special powers given as above to a Collector, and the authority to be ordinarily exercised by those Officers on the occasion of making settlements, shall cease and determine.

Third,—No complaint or application of the nature specified in the preceding clauses shall be received by a Collector under the rules of this Regulation, unless the plaint or application shall have been preferred within the period of one year after the cause of action shall have arisen.

XXI. In summary suits for rents and the like, wherein special rules have been prescribed for regulating the process of the Courts, the Collectors shall be guided by the same rules and shall exercise the same powers and authority as are or may be lawfully exercised by the Zillah and City Judges. In other cases falling under their cognizance, according to the provisions of this Regulation, the ordinary process for securing the attendance of the defendant or party otherwise impleaded shall be to issue a notice reciting the matter, and requiring the defendant or other party to attend in person or by representative, at such time and place as may be made choice of by the Collector for conducting the investigation. Should any party fail to attend, after being served with a notice of the above description, or should the return of the Nazir or person employed to serve the notice be that after diligent search the party or parties cannot be found, proclamation shall be made in writing, to be stuck up at or near the ordinary residence of the party, stating that, after fifteen days from the date of publishing the same, the case will be liable to be brought up for trial and judgment, and any party implicated who, having been served with the notice above described, shall fail to attend, or who shall continue to absent himself, will be as much bound by the

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XXII. Sections 18 and 19, Regulation VIII., 1819, are hereby extended to all the provinces immediately subject to the Presidency of Fort William, and the provisions of the said sections shall be applicable to the proceedings of Collectors held under this Regulation; provided, however, that whenever it shall be desired to apprehend a defaulter residing out of the jurisdiction of the Collector by whom the suit relative to the alleged arrear may be cognizable, the process of arrest shall be served through the Judge of the district where the alleged defaulter may reside.

XXIII. *First*,—It is hereby declared and enacted that in so far as concerns the summoning and examination of witnesses, the penalties for false testimony, for resistance of process, contempts, and all other similar matters connected with cases under cognizance before the Collectors of land revenue or other Officer by virtue of the powers vested in them by this Regulation, or any other Regulation whereby Collectors are vested with judicial powers, their Cutcherry or office for the time being shall be deemed and held to be a Court of Civil Judicature.

Second,—Provided, also, that the regular suits which may be brought to contest decisions passed by Collectors under the powers vested in them by Sections 11, 12, 14, 15, 16, 17, 18, 19, and 20, shall be of the nature of an appeal to Court in its regular jurisdiction from a summary award. It shall not therefore be necessary for the Collector or other Officer of Government to be a party in the action.

Third,—Collectors of the land revenue are hereby empowered to execute all awards made by them under the rules of this Regulation in cases wherein a specific sum of money shall be adjudged to be due, or any costs or damages be awarded, the Collector decreeing the same shall proceed to levy the amount for the party in whose favor it may be adjudged by the process in use for the recovery of arrears of the Government revenue; provided, however, that he shall not sell any lands, houses, or other real property, in satisfaction of any judgment passed in favor of any individual on a summary enquiry. In cases wherein possession of lands, houses, water-courses, or the like, may be adjudged, it may and shall be lawful for the Collector making award to deliver over possession in the same manner and with the same powers in regard to all contempts, resistance, and the like, as are or may be lawfully exercised by the Courts in giving possession to an auction-purchaser; and the Zillah or City Adawluts shall support

the Collectors in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it, in the like manner as if the same had been passed by themselves. Collectors are further hereby empowered to place one or more peons, mirdahs, sowars, or the like, to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.

XXIV. *First*,—It shall and may be lawful for a Collector, or other Officer exercising the powers of Collector, preparatory to making or revising a settlement as aforesaid, to depute any Tehseeldar, Canoongoe, Ameen, or other fixed or temporary Officer, to any village or mehal, whether the same be managed by a Zemindar or farmer, or be held khas, to enquire into the various matters which such Collector or other Officer is required or empowered to investigate, in order to form a settlement in the mode prescribed by this Regulation. Any such Native Officer so deputed as above shall be deemed to be vested with the power of summoning and examining Putwarees, Gomashtas, or other persons by whom the accounts of the village or mehal may be kept, in the same manner and with the same powers as is provided for Officers deputed under Section 25, Regulation XII., 1817. Furthermore, in case the Collector or other Officer may so prescribe, the said Tehseeldar or other person shall be empowered to make a measurement of the village or mehal into which they may be deputed, and to summon any mokuddums, pudhans, ryots, or other residents, and to call upon them to point out the boundaries of such village or mehal, and to furnish information as to all matters relating to the land and the rights and interests attaching thereto; and any person contumaciously withholding information from an Officer deputed as aforesaid shall be liable, on the same being established to the Collector's satisfaction, to the same penalty as is prescribed for Putwarees refusing to attend or give evidence.

Second,—Provided, also, that any person who may, by force or threats, obstruct or resist the execution of any legal process, requisition, or order of a Collector or other Revenue Officer, shall, in addition to the penalties prescribed by the existing Regulations for such act, be liable to a fine not exceeding two hundred rupees, or to imprisonment in the Dewanny Jail for a period not exceeding two months; the said fine or other penalty to be adjudged by the Collector, after proceeding duly held and recorded, and the sentence to

CHAPTER II. be immediately reported to the Board to which he may be subject.

Third,—Provided, further, that all Police Officers shall aid and support the execution of all process and orders issued by a Collector or other Officer aforesaid, on the responsiblity of the Officer issuing or executing the same; and if any affray or breach of the peace shall occur in consequence of any resistance or obstruction being made, or attempted to be made, to the legal process or order of a Collector or other Revenue Officer, the parties resisting or obstructing such process or order shall be punishable for the affray or breach of the peace, and the Revenue Officers shall not be liable to any criminal prosecution on that account.

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XXVI. No other pleadings shall be required from the parties in such suits than a plaint and answer, provided that if the parties should at any time wish to file an amended plaint, or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

XXVII. The mooktarnamahs or vakalutnamahs, and the pleadings and final decree in such suits, shall be written on stamped paper of the value of eight annas, whatever may be the amount of the suit, and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties; nor shall it be necessary for the parties to present a written motion on stamped paper for the filing of such exhibits, or for the summoning of such witnesses.

XXVIII. It shall be competent to the Collectors to hear and determine such suits in whatever part of the distrfict they may occasionally be or reside, provided that every hearing and decision be in public Cutcherry, or in some other place open to the public, and in the presence of the parties, or of their constituted agents or Vakeels, if in attendance.

XXIX. *First*,—The decisions of the Collectors on all such suits shall be appealable to the Board of Revenue, or other authority exercising the powers of that Board. The petition of appeal shall be presented either to the Collector or to the Board, at the option of the party, and shall be written on stamped paper of the value of two rupees, but no petition of appeal shall be received after the expiration of three months from the date of the decision, unless sufficient cause shall be shown for the delay to the satisfaction of the Board. Provided, also, that the Board shall not be required in ordinary cases to go into a regular investigation of the merits, but

shall be authorized to dismiss the appeal without further investigation in all cases in which, on a consideration of the final roobakaree of the Collector, they may not see ground to consider the decision of that Officer to be unjust, erroneous, or doubtful, or his proceedings in the case irregular or imperfect: provided, also, that in all cases in which the Collector may dismiss the suit for non-attendance, or on some other ground of default, without an investigation of the merits of the case, it shall be competent to the Board to direct a new trial; and in cases in which he may neglect or delay the investigation or decision of a suit without sufficient cause, it shall be competent to the Board to interfere, and to cause the Collector to proceed upon the enquiry into and determination of it.

Second,—No pleadings, except the petition of appeal, shall be required in such appeals, nor shall any fees be taken by the Board on the exhibits originally filed, or on any further documents which the Board may think it necessary to call for.

Third,—If the parties choose to employ, in the pleading of such appeals, the same agents or Vakeels who were previously employed by them in the original suit, no further mooktarnamah or vakalutnamah shall be required of them.

Fourth,—The respondent shall receive notice of the appeal, but shall not be compelled to appear in person or by Vakeel, and the appeal shall be decided on the merits of the case, notwithstanding his absence, in the same manner as if he had attended.

Fifth,—The decision of the Board shall be final in as far as concerns the result of the summary enquiry of the Collector, and shall be rendered in a Persian roobakaree written on stamped paper of the value of two rupees.

Sixth,—Any person, however, dissatisfied with the summary judgment of the Collector or the Board, and desirous of a more full and formal decision, shall be at liberty to prefer a regular suit to try the merits of the case in the Zillah or other similar or superior Court in which it may be cognizable. In such cases, the summary judgment of the Collector, if not reversed or stayed by the Board, shall be carried into effect, notwithstanding the institution of the regular suit.

XXX. All persons having claims or complaints to prefer of the nature of those made cognizable by Collectors under the provisions of this Regulation, and not wishing to avail themselves of the summary process authorized in that Court, shall be at liberty to institute their claims or complaints in the first instance by a regular suit before the local Moonsiff, or in

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XXXI. *First*,—Whenever a regular suit may be instituted in the Civil Court with a view to set aside or alter a summary judgment passed by a Collector, the proceedings held on the summary enquiry shall be called for by precept from the Court, and filed on the record of the case.

Second,—Provided, also, that no such suit shall be cognizable by or referrable to any Register, Sudder Ameen, or Moonsiff, and all Registers, Sudder Ameens, and Moonsiffs shall, in cases tried by them, be held and bound by the decisions passed and records prepared by Collectors or other Revenue Officers under the provisions of this Regulation, unless the same shall have been rescinded or altered by the Board, or by the Zillah or other similar or superior Court on a regular suit.

XXXII. The Collectors shall transmit to the Boards such periodical reports of the causes decided by or depending before them, as the Boards may direct, and the Boards will also furnish to Government such abstracts of those reports, and such reports in the cases received and determined by them in appeal, as the Governor-General in Council shall from time to time require.

XXXIII. *First*,—It shall be competent to Collectors, or other Officers exercising the powers of Collectors, to refer to arbitration any disputes cognizable by them under the provisions of this Regulation, as well as any questions or disputes of any kind respecting land, or the tenures therein, or the rights dependent thereon, that may come before them, provided the parties consent to that mode of adjustment, and, on award being made, to cause the same to be executed. In referring cases to arbitration under the above provision, and in their general proceedings relative to such suits, the Collector shall be guided by the rules contained in Regulation XVI., 1793, and the other corresponding enactments, and in Regulation VI., 1813, in so far as the same may be applicable, and shall be competent to vest in the Arbitrators the same powers and authority in regard to the summoning and examination of witnesses and the administration of oaths, and to enforce the orders passed by the arbitrators under such powers in the same manner as the Courts of Judicature are empowered to do; and all awards made on such references shall, when confirmed by the Collector, have the same force and validity as a regular decree of the

Adawlut, and shall not be liable to be reversed or altered, unless the award shall be open to impeachment on the ground of corruption or gross partiality, or shall extend beyond the authority given by the submission of the parties, and such ground of impeachment shall be established in a regular suit in the Zillah, City, or other superior Court wherein the case may be cognizable.

Second,—In referring any dispute to arbitration, the Collector shall be careful to specify in his proceedings, and in the deed of arbitration to be executed by the parties, the precise matter submitted to the arbitrators; and if the award first made by the arbitrators shall not include all the points submitted to them, or shall be otherwise incomplete, it shall be competent to the Collector again to refer the matter to them, with directions to perfect their award.

Third,—The Pergunnah Canoongoes and Tehseeldars may be appointed arbitrators in any case referred to arbitration under the above rules; anything in the existing Regulations notwithstanding.

XXXIV. *First*,—When a Collector, or other Officer exercising any of the powers vested in Collectors by the rules of this Regulation, relative to complaints of dispossession or disturbance of the possession of lands or premises, shall learn, either by a reference from the Magistrate, or by a report from any other public Officer or otherwise, that any disputes exist within the tract placed under his jurisdiction relative to any lands, premises, crops, orchards, pasture-grounds, fisheries, wells, water-courses, tanks, reservoirs, or the like, likely to terminate in a breach of the peace, it shall and may be lawful for the Collector or other Officer aforesaid to require the contending parties to attend in person or by representative at a stated time and place, and after investigating the case in the presence of the parties or their representatives, or such of them as may attend, or referring it to arbitration as above prescribed, to decide the case in the same manner as if it had been brought before him by the complaint of one of the parties; provided, also, that if the fact of previous lawful possession cannot be ascertained, it shall be competent to the Collector, subject to the orders and direction of the Board, to decide on the question of right, and to give possession to one of the contending parties, leaving the other party to contest the decision by a regular suit in Court. But no such decision shall be passed by any Collector until he shall have instituted a careful enquiry

CHAPTER II. into the fact of possession, and the Board shall be careful to see that this restriction is observed; provided further, that in such cases it shall be competent to the Collector to attach the disputed lands, premises, &c., as aforesaid, and to appoint an Officer to the management of the same, retaining in deposit the rents and produce, or such portion thereof as may remain after discharging any public revenue demandable therefrom, with the charges of management, until one of the contending parties shall be placed in possession.

Second,—Whenever any Magistrates or Joint Magistrates shall have before them any suit, complaint, or information relative to any dispute regarding lands, premises, crops, water-courses, or the like, which may appear likely to terminate in a breach of the peace, or which it may otherwise be desirable to bring to an immediate decision, it shall be the duty of such Magistrate or Joint Magistrate, in cases in which the Collector shall be vested with the recognizance of such actions, to certify the case to that Officer, and the Collector will then forthwith proceed to investigate and determine the case under the rules above prescribed; provided, also, that in all cases of forcible dispossession, or forcible disturbance of possession, the Collector shall invariably transmit to the Magistrate or Joint Magistrate a copy of the first proceeding held by him in the case, and also a copy of the roobakaree containing his final award.

Third,—The Collector shall in all such cases use every proper means for inducing the parties to refer their disputes to arbitration, in like manner as the Dewanny Courts are directed to do.

XXXV. Whenever the term "Board of Revenue or Board of Commissioners" may occur in this or any other Regulation, the same shall be held and considered to apply to any Board, Committee, or Commission, and to any member of such Board, Committee, or Commission, that may be vested by the Governor-General in Council with the powers and authority of the Board of Revenue, save and except in so far as may be otherwise specially declared and provided. In like manner, all rules in this or any other Regulation whereby any duties or powers may be prescribed for or vested in Collectors shall be held and considered to be equally applicable to any Officer exercising the authority of Collector, under the orders or with the sanction of the Governor-General in Council.

A. D. 1825.—REGULATION IX.

A REGULATION FOR EXTENDING THE OPERATION OF REGULATION VII., 1822 FOR AUTHORIZING THE REVENUE AUTHORITIES TO LET IN FARM ESTATES UNDER TEMPORARY LEASES, ON THE DEFAULT OF THE MALGOOZARS, OR TO HOLD THE SAME KHAS FOR A TERM OF YEARS; FOR MODIFYING AND ADDING TO THE RULES CONTAINED IN REGULATION II., 1819; AND FOR MAKING CERTAIN OTHER AMENDMENTS IN THE EXISTING REGULATIONS.

WHEREAS the provisions of Regulation VII., 1822, are in force only within the Ceded and Conquered Provinces, in the District of Cuttack, and in the Pergunnah of Puttaspore and its Dependencies, and whereas there are within the other provinces belonging to this Presidency various mehals and tracts for which a permanent settlement has not yet been concluded, and it appears to be advisable that the Revenue authorities should be vested, in regard to such mehals and tracts, with the same powers as belong to the like Officers within the Ceded and Conquered Provinces; and whereas the principle of the rules contained in the said Regulation relative to lands held free of assessment, or at a mokurrarec jumma under special grants, is equally applicable to such tenures in all parts of the country, and it appears to be likewise expedient to make provision for the occasional exercise by the Revenue Officers in the Lower Provinces of the powers specified in the said Regulation for the summary trial of certain suits between individuals, subject as therein provided to an appeal to the Adawlut by a regular suit; and whereas a frequent recourse to the sale of lands for the recovery of arrears of revenue in districts of which the assessment has not been fixed in perpetuity being inexpedient, it appears to be necessary and proper that the Revenue authorities should be empowered to let in farm for a term of years the estates of defaulters under temporary leases, or to hold the same khas for the purpose of making a ryotwar settlement, where that measure may be deemed advisable; and whereas it has appeared to be expedient to modify and to add to the provisions contained in Regulation II., 1819, and whereas the rules prohibiting the collection of sayer duties, and the provision contained in Section 39, Regulation IX., 1810, having been considered applicable to several items of sewaee collections or cesses levied by the Malgoozars and others for local purposes, and according to ancient usage, which it would be injurious to abolish, it appears to be expedient to provide for the continuance of such collections when sanctioned by Government; the following rules have been enacted, to be in force from the date of their promulgation, within the provinces belonging to the Presidency of Fort William:—

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II. *First*,—The provisions contained in Clause 6, Section 2, and in the thirty-three following sections of Regulation VII., 1822, are hereby extended to all lands (including jagheers, mokurrareos, and other tenures held free of assessment or at a quit-rent under special grant) not included within the limits of estates for which a permanent settlement has been concluded in the manner prescribed by Regulation VIII., 1793, and Regulations II. and XXII., 1795, as far as the same may be applicable.

Second,—The said provisions shall likewise be in force in all estates which may now or hereafter be held khas, during the period for which they may be so managed.

Third,—The provisions aforesaid shall also apply to the Soondurbunds, the hill lands of Bhaugulpore, and other extensive forests and wastes not included within the limits of pergunnahs, mouzahs, or other Revenue divisions specified at the time of settlement as belonging to the mehals then assessed, as well as to all estates bordering on such forests or wastes.

III. It shall be competent to the Governor-General in Council to vest any Collector, or other Officer exercising the powers of Collector, within the Provinces of Bengal, Behar, Orissa, and Benares, with the several powers specified in Section 20, Regulation VII., 1822, in the manner specified in the 2nd Clause of that section, within such local limits as may from time to time appear to be advisable; and the several provisions contained in Section 21 and the fourteen following sections shall apply to the several pergunnahs or other local divisions so placed under the jurisdiction of the Collector or other Officer aforesaid.

IV. Whenever an arrear of revenue shall accrue on account of any mehal for which an engagement may have been taken from the proprietors, or persons recorded as proprietors, not being an estate of which the assessment has been fixed in perpetuity, and the Malgoozars shall fail to discharge the same within one month of the date on which it became due, then if there shall appear to be any objection to the sale of the estate, and the arrears cannot otherwise be recovered (on which points the decision of the Revenue authorities is to be held conclusive), it shall be competent to the Collector, or other Officer exercising the powers of Collector, with the sanction of the Board, and subject to the orders of Government, to annul the existing engagements with the Malgoozars, and to let the mehal in farm for such period not exceeding fifteen years

as the Governor-General in Council may appoint, or to hold the mehal under khas management for a like period. In such cases, if the mehal shall yield a higher jumma than that for which the Malgoozars may have engaged, the excess shall in the first place be appropriated to the liquidation of the arrear due on account of it, or such portion thereof as the farmer may not have separately agreed to discharge, or as may not otherwise have been recovered; and out of any surplus remaining the Malgoozars shall receive such malikana, not being less than five per cent. nor more than ten per cent. on the assessment of the last year of their engagement, as the Governor-General in Council may direct.

V. *First,*—The following rules are enacted in modification of Sections 5, 6, 8, 10, 11, 13, 15, 22, and 30 of Regulation II., 1819.

Second,—Whenever a Collector, or other Officer exercising the powers of Collector, shall visit or be about to visit any mehal for the purpose of making a settlement in the manner prescribed in Regulation VII., 1822, it shall be competent to him, by a notification to be stuck up in some conspicuous place within such mehal, and each village thereof if consisting of several villages, to require all persons holding lands free of assessment or at a fixed jumma within or adjoining to the village or villages in which the lands of such mehal or any part thereof may be situated, to appear before him, either in person or by Vakeel, within a reasonable time, not being less than one month from the date of such notification, at such place within the mehal as he may select for holding his office, and to attend him from day to day while he may continue within the mehal, with all sunnuds or other writings in virtue of which they may possess the lands, or under which the lands may have been or may be claimed to be held free of assessment or at a fixed jumma, together with any evidence they may desire to have taken in support of their claims.

Third,—It shall likewise be competent to Collectors and other Officers aforesaid, when engaged in the settlement of any mehal under the rules of the Regulation above mentioned, or preparatory thereto, to measure or cause to be measured, without a previous reference to the Board of Revenue, all lands, whether malgoozaree or lakheraj, belonging or adjoining to the village or villages in which such mehal or any part thereof may be situated.

Fourth,—When the Collector or other Officer aforesaid shall have commenced the settlement of any mehal in regard

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to which he may have issued a notification as aforesaid, and shall propose to hear the claims of persons holding lands free of assessment or at a fixed jumma, and to receive their sunnuds and other writings as aforesaid, or any of them, the period fixed in the notification for the attendance of such parties being arrived, he shall, on the day preceding that on which he may intend to hold proceedings in the said cases, or any of them, notify such intention by an ishtahar stuck up in his office, and in some place open to the public within the mehal.

Fifth,—If any person holding land free of assessment, or at a fixed jumma as aforesaid, shall fail to attend, either in person or by Vakeel, after notice being given in the manner above prescribed. the Collector shall be competent to proceed *ex parte* to investigate the title of such party to hold the land in his possession free of assessment, and, with the sanction of the Board of Revenue, to resume the said lands if they appear to be held on an invalid title. Nor shall any person defaulting as above, or neglecting to appear and give answer, when required to do so in the manner prescribed in Regulation II., 1819, be entitled to stay the resumption and assessment of his lands, under the rule contained in the 22nd Section of that Regulation. Provided, further, that the rule contained in Clause 2nd, Section 13, Regulation II., 1819, shall be and be held applicable to such persons, as well as to persons who may appear when summoned under the provisions of that Regulation, or in the manner hereinbefore provided.

Sixth,—It shall be competent to Collectors, and other Officers making settlements as aforesaid, either to complete the investigation of the claims of perons holding land free of assessment or at a fixed jumma, under the rules of the 15th and following Sections of Regulation II., 1819, with the modification hereinafter provided, during the progress of the settlement, or to limit their proceedings to the ascertainment of the land actually held under such tenures, and the record of the title-deeds produced by the parties, postponing the further investigation of the case to a future period. When any Collector or other Officer may postpone the investigation of any case as aforesaid, he shall at the same time notify to the party the time and place at which the further investigation is to be held, or if circumstances prevent him from doing so, he shall, before resuming the enquiry, give the party one month's notice to attend; and on the failure of any party to attend when so warned, the Collector or other Officer aforesaid shall be competent to pro-

ceed to try the case *ex parte*, and, with the sanction of the Board, to resume and assess the lands.

Seventh,—Collectors or other Officers who may proceed to investigate claims to lakheraj lands during the progress of a settlement shall follow the rules of the 15th and following Sections of Regulation II., 1819, in all cases wherein the parties may attend and deny the liability of their lands to assessment, subject to the modifications hereinafter provided.

Eighth,—No lands shall be resumed by a Collector, even though the parties may confess that they are liable to assessment, without the sanction of the Board of Revenue, save and except as hereinafter provided; but on such confession, duly attested, which will of course supersede the necessity of any further enquiry, it shall be competent to the Board forthwith to direct the lands to be assessed, unless the same be held by village or zemindaree servants in lieu of wages, which shall not be resumed without the sanction of Government. Provided, also, in all cases wherein it may appear to the Board that the resumption of lands held free of assessment would occasion serious distress to the holders, it shall be their duty to submit a report of the circumstances to the Governor-General in Council.

Ninth,—The provisions of Clause 1st, Section 23, Section 25, and Section 28, Regulation VII., 1822, shall be applicable to cases investigated by Collectors under the rules of Regulation II., 1819, or under the provisions of this Regulation.

Tenth,—It shall not be necessary to use stamped paper for the proceedings held or exhibits filed before the Revenue authorities in cases originating with a Collector or other Officer of Government claiming to assess land held free of assessment; but the said authorities are authorized in the said case, as in all other cases wherein they may exercise judicial powers under the provisions of the existing Regulations, to award to witnesses their reasonable charges, and to levy the same, as well as all costs adjudged by them, by the process in force for the recovery of arrears of Government revenue.

Eleventh,—Persons claiming to hold lands exempt from revenue shall, with their petitions of plaint, deliver to the Collector, or other Officer to whom the same may be preferred, all sunnuds and other writings on which their claim may be founded, and shall insert in the said petition a full specification of the several particulars required to be registered by the rules in force relative to the registry of rent-free tenures,

CHAPTER II. and of the grounds on which their claim is founded. If the claim shall involve only the interests of Government, the Collector shall proceed without delay to investigate the case, giving, however, eight days' previous notice to the party of the day on which he may propose to bring it to a hearing in the mode prescribed for the Civil Courts. If the claim shall be against any individual singly or jointly with Government, the Collector shall serve him with a notice containing a statement of the demand, and requiring his attendance in person, or by Vakeel duly authorized, within the period of one month, with any papers or evidence he may desire to produce in denial of the claim; and on the appearance of such defendant, the Collector, after allowing him to inspect and examine the claimant's petition of plaint and the writings therein referred to, shall call upon him to deliver within the period of seven days a statement of the objections he may desire to urge against the claim. In such cases, no other pleadings shall be required from the parties than a plaint and answer, but it shall and may be lawful for Collectors to receive and record such subsidiary pleadings as may appear requisite for the elucidation of the merits of the claim. Collectors shall proceed to investigate every such case as soon as possible after the answer of the defendant shall be received,—giving, however, as aforesaid, eight days' previous notice to the parties of the day on which he may propose to bring it to a hearing. Provided that in cases wherein the parties concerned, or their authorized representatives, shall desire or consent (the same being signified in a written petition or ikrarnamah to be filed with the proceedings) to have an immediate decision, whether the case shall originate in a claim on behalf of Government or in the suit of an individual, and whether the proceedings of the Collector shall be held under the provisions of Regulation II., 1819, or under those of this or any other Regulation touching the matter, it shall be competent to the Collector to proceed forthwith to the investigation and decision of the case without issuing any formal summons or notice.

Twelfth,—Whenever a Collector, or other Officer exercising the powers of Collector, shall be of opinion that any tract of land belongs to Government, and that no individual has *bonâ fide* possession thereof, it shall be competent to him, by a notification to be stuck up in his Cutcherry in the Zillah Court, and in the Cutcherry of the Canoongoe, Moonsiff, or Thannadar to whose jurisdiction the land in question may belong or adjoin, to require all claimaints to the same to appear before him within a reasonable time, to be fixed by the Board of

Revenue, not being less than six weeks from the date of such notification, and, on the appearance of such claimaints, to proceed to investigate their claims in the manner prescribed by Regulation II., 1819, for investigations relative to the liability of lands to be assessed as herein modified. Provided, further, that if the Collector or other Officer aforesaid shall decide that none of the claimants have *bonâ fide* possession of the lands in question, and his decision shall be affirmed by the Board of Revenue, the said lands shall be at the disposal of Government, until the same shall be adjudged to be private property by a decree of Court on a regular suit. Provided, also, that all such suits, if preferred by one of the claimants before the Collector, shall be dimissed with costs, unless instituted within six weeks of the date on which the Board may affirm the decision of that Officer, and that the rule contained in Clause 2nd, Section 13, Regulation II., 1819, shall be strictly applied to such suits; nor shall any suit be admitted on the part of any person who may not have appeared before the Collector pursuant to notice, unless he shall be able to show good and sufficient cause for his non-appearance, and shall apply for permission to sue within six weeks of his being informed of the Board's decision. Provided, further, that if the party shall not prosecute his suit within six weeks of being permitted to sue, the suit shall be dismissed with costs.

VI. It shall be competent to the Governor-General in Council, by an order in Council, to vest any Collector, or other Officer who may be deputed to hold a local enquiry within the limits of any mehal, with the same powers and authority in regard to all lands held free of assessment within or adjoining to the village or villages in which the lands of such mehal or any part thereof may be situated, and for the investigation of all claims touching such lands, as by the foregoing provisions are vested in Collectors making settlements in the manner prescribed by Regulation VII., 1822, and also from time to time to depute Collectors or other Officers aforesaid for the purpose of ascertaining, recording, or investigating the said claims in the manner above prescribed.

VII. The particulars of all lands held free of assessment within all villages and mehals of which the settlement may be made under the provisions of Regulation VII., 1822, shall be fully recorded in the proceedings of the Collector, or other Officer making the settlement.

VIII. Nothing contained in Regulation II., 1819, or in any other Regulation in force, shall affect or be considered to

CHAPTER II. affect the provisions contained in Section 10, Regulation XIX., 1793, Section 11, Regulation XXXI., 1803, and in the corresponding enactments applicable to Benares and the Conquered Provinces relative to grants illegally made subsequently to the dates specified in the said rules respectively; and in all cases in which it shall be established to the satisfaction of the Revenue authorities that any lands now held free of assessment were subject to the payment of revenue at the dates aforesaid or subsequently thereto, and that they have not been thereafter exempted from the payment of revenue under the authority of the Governor-General in Council, nor adjudged to be exempted from payment of revenue under a regular decree of Court, it shall and may be lawful for the said authorities forthwith to resume and assess the said lands, save and except in cases wherein the revenue of the same may belong to a Zemindar, Talookdar, or other Malgoozar with whom a permanent settlement has been concluded; nor shall the provisions of Section 22, Regulation II., 1819, apply to such cases.

IX. It is hereby declared and enacted that the rules relative to the abolition of sayer duties, and the provision contained in Section 39, Regulation IX., 1810, are not and shall not be held to be applicable to any item of sewaee collections or cess levied by Malgoozars and others according to ancient custom, which has been or shall be sanctioned by a Collector or other superior Revenue authority, not being a tax on the transport, export, or import of goods or merchandize, or other tax or duty specifically prohibited, but after the settlement of any village or mehal shall have been made in the manner specified in Section 9, Regulation VII., 1822, the rules and provisions aforesaid shall be applicable to all cesses and collections not sanctioned in the manner specified in that section.

A. D. 1825.—REGULATION XIII.:

A REGULATION TO PROVIDE FOR THE FUTURE SETTLEMENT OF THE LANDS COMPOSING OTHER RESUMED LAKHERAJ TENURES WITH THE PRESENT OCCUPANTS, WHEN SO DIRECTED BY GOVERNMENT.

* * * * * *

V. In modification of the existing rules contained in Regulations XXXVII., 1793, XLII., 1795, and XXXVI., 1803, or any other Regulation in force relative to the settlement of resumed jagheer, altumgah, muddudmaash, ayma, and other grants of land termed badshahee, or royal, and generally in qualification and explanation of all the rules in force relative to the resumption of lakheraj tenures and the future assessment of lands composing the same, it is hereby further declared that whenever such tenures may be pronounced invalid

or extinct by a Revenue Board, or other authority empowered to investigate the lakheraj title in such tenures, under the provisions of Regulation II., 1819, or of any other Regulation in force, it shall be competent to the Governer-General in Council, on a special report of the circumstances of the case, when it may appear just and proper, in consideration of the long possession of the actual occupant of the land or of his ancestors, to direct his continuance in possession, though not the Zemindar, Talookdar, or other malik of the land, on his engaging for the future assessment, on such terms as may be prescribed by Government ; and in such cases the whole of the provisions contained in Sections 2 and 3 of this Regulation shall be deemed applicable, and be maintained by the Courts of Judicature accordingly.

A. D. 1828.—REGULATION IV. :

A REGULATION TO DECLARE AND EXTEND THE POWERS TO BE EXERCISED BY COLLECTORS WHEN MAKING OR REVISING SETTLEMENTS UNDER THE PROVISIONS OF REGULATION VII., 1822.

* * * * * *

Fourth,—To prevent doubts as to the period for which Collectors and other Officers aforesaid are to possess the powers vested in them by this Regulation, and by Regulation VII., 1822, in regard to any mehals of which the settlement may have been or may be about to be made or revised, it is hereby declared and enacted that they shall be held and considered to be engaged in making and revising such settlement from the date on which they may have issued or may issue orders for adjusting the boundaries, for measuring any of the lands, or for making a census of the inhabitants of any village or portion of a village belonging to such mehal, of which intimation shall be given to the Magistrate or Joint Magistrate within whose division the village shall be situated, up to the day on which they may be informed that the settlement, as made and revised by them, has been finally confirmed by Government. During the aforesaid period the powers vested in Magistrates and Joint Magistrates by Regulation XV., 1824, shall be suspended in regard to all mehals of which the settlement may be so in progress; and the said Officers shall be guided, in respect to such mehals, by the provisions of Clause 2nd, Section 34, Regulation VII., 1822, by which they were required to refer to the Revenue authorities disputes regarding lands, premises, crops, water-courses, and the like; and all Police Officers are required to give immediate and efficient support to Collectors and other Revenue Officers in the execution of their duties.

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A. D. 1833.—REGULATION IX.:

A REGULATION TO MODIFY CERTAIN PORTIONS OF REGULATION VII., 1822, AND REGULATION IV. OF 1828; TO PROVIDE FOR THE MORE SPEEDY AND SATISFACTORY DECISION OF JUDICIAL QUESTIONS COGNIZABLE BY OFFICERS OF REVENUE EMPLOYED IN MAKING SETTLEMENTS UNDER THE ABOVE REGULATIONS; FOR ENFORCING THE PRODUCTION OF THE VILLAGE ACCOUNTS; FOR THE MORE EXTENSIVE EMPLOYMENT OF NATIVE AGENCY IN THE REVENUE DEPARTMENT; AND TO DECLARE THE INTENT OF SECTION 5, REGULATION VII. OF 1822, TOUCHING CLAIMS TO MALIKANAH.

I. EXPERIENCE having demonstrated the expediency of modifying certain enactments of Regulation VII. of 1822 and Regulation IV. of 1828, also of providing a more speedy and satisfactory mode of deciding such judicial questions as may be cognizable by Officers of the Revenue Department under those Regulations, and of declaring the intent of the rules regarding malikanah promulgated by Section 5, Regulation VII. of 1822; it having been found expedient likewise that measures should be adopted for enforcing the production of the village accounts, and for rendering them accessible to all persons concerned having occasion to examine them; also that natives of respectability should be employed in more important trusts connected with the Revenue administration; the following provisions have been enacted, to be in force from the date of their promulgation.

II. So much of Regulation VII. of 1822 as prescribes, or has been understood to prescribe, that the amount of jumma to be demanded from any mehal shall be calculated on an ascertainment of the quantity and value of actual produce, or on a comparison between the costs of production and value of produce, is hereby rescinded.

III. So much of the above Regulation as prescribes, or has been understood to prescribe, that the judicial investigation into and decision on questions of disputed private claims shall be conducted simultaneously with the ascertainment of and determination on the amount of the Government demand, is hereby rescinded. The Governor-General in Council will hereafter determine the order in which the above matters shall be respectively disposed of.

IV. Clauses 1st, 2nd, and 3rd of Section 2, Regulation IV. of 1828, are hereby rescinded.

V. In addition to Section 33, Regulation VII. of 1822, it is hereby enacted that whenever any judicial question may be depending before a Collector or other Officer employed in making settlements under the provisions of Regulation VII. of 1822, in which the interests of justice may, in the

opinion of such Officer, require that the case be decided by arbitration, it shall be lawful for him to fix, under the instructions with which he may be furnished by the superior Revenue authorities, a period within which the parties must produce the award.

VI. In that case, if the parties shall refuse or neglect to produce such award within the term limited, it shall be lawful for the Collector or other Officer to summon a Punchayet, to be composed of three or five impartial and otherwise competent persons, of good repute, for the trial of the matter at issue.

VII. After duly considering the statements and evidence offered by the parties, or, in case of the default or recusance of either, the statements and evidence produced by the party in attendance, the Punchayet shall declare their opinions, and judgment shall be recorded according to the sentence of the majority. The superior Revenue authorities will from time to time issue such rules of practice for the guidance of the Officers employed on this duty, or the Punchayets, as they may consider necessary.

VIII. No appeal shall be allowed from such decisions, which shall be immediately executed and maintained, unless the Commissioner, subject to the control of the Sudder Board of Revenue, should think proper, for any special reason, to direct that the case shall be submitted to another Punchayet for decision.

IX. Any suit brought before any Court of Justice to set aside a decision made in conformity with the above rules shall be non-suited, with costs.

X. In like manner, any suit brought before any Court of Justice against the arbitrators, collectively or individually, appointed in conformity with the rules prescribed, to recover from them the value of the property lost by the decision founded on their award, shall be non-suited, with costs.

XI. It is hereby declared that the rules concerning malikanah contained in Section 5, Regulation VII. of 1822, were intended to have a prospective effect only, and to be applicable solely to settlements made under that Regulation, and to recusance tendered at the completion of such settlements.

XII. It is further enacted that the village accounts, which are required to be kept in such manner and form as has heretofore been the custom, or in such other mode as may hereafter be prescribed by the Boards of Revenue, shall be prepared

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XIII. The several accounts required for deposit in the pergunnah and zillah Revenue offices as above stated, instead of being delivered at the expiration of every six months, as prescribed by the rules at present in force, shall be furnished in such mode and at such periods as the Boards may direct. They shall be open to the inspection of every person concerned, desirous of examining them.

XIV. Any Zemindar, farmer, or other description of landholder, who after the promulgation of this Regulation may refuse or neglect to conform to the above rule, shall be deemed incompetent to oust any ryot or other tenant from the land occupied by him for non-performance of the conditions of his tenure or lease, or on any other pretext, or to distrain the property of any ryot or tenant, or sue him in any Court of Justice for an arrear of rent, or the breach of any agreement that may have been contracted by him.

XV. Any such suit instituted in a Court of Justice by a Zemindar, farmer, or other landholder, who has not conformed to the above rule, shall be non-suited, with costs; and should he proceed to oust a ryot or other tenant from the land occupied by him, or distrain his property, he shall be liable to damages on account of such illegal acts, to such amount as the Court awarding the restitution of such land or property may deem adequate.

XVI. It shall be competent to the Governor-General in Council to appoint to any Revenue jurisdiction a Deputy Collector, with the powers hereinafter specified.

XVII. The office of Deputy Collector shall be open to natives of India, of any class or religious persuasion. The persons selected shall be appointed by the Governor-General in Council, and shall receive their commissions from Government in the usual mode, under the signature of the Secretary in the Revenue Department.

XVIII. The Deputy Collectors will receive a monthly allowance, to be fixed by the Governor-General in Council, and to be susceptible of increase, from time to time, as their conduct may appear to entitle them respectively to such consideration.

XIX. Every person appointed to the office of Deputy Collector under this Regulation shall, previously to entering upon the execution of the duties of this situation, make and prescribe before the Collector of the district in which he may be employed, a solemn declaration in the form of the oath required under Section 26, Regulation V., 1804, to be taken by persons employed in the collection of the public revenue.

XX. The Deputy Collectors appointed under this Regulation are to be in all respects subordinate to the Collector under whom they may be placed, and are required to perform all duties assigned to them by that functionary.

XXI. It will be at the discretion of the latter Officer to employ them in settlement duties under the provisions of Regulation VII., 1822, in the superintendence of the Government khas mehals, and generally in the transaction of any other part of the duties of a Collector.

XXII. All proceedings held by a Deputy Collector appointed under this Regulation shall be recorded in his own name, and on his own responsibility, subject to the revision and control of the Collector, and appealable to the superior authorities in the usual course.

XXIII. Provided always that the Collector is competent to resume the duties which he may have committed to the Deputy, assigning his reasons for so doing for the information of the Commissioner.

XXIV. Provided also that the Revenue Commissioners, whenever they think proper, may interfere with any arrangements made by the Collectors for the employment of the Deputies, or the distribution of business to be assigned to those functionaries, subject to the general control vested in the Sudder Board of Revenue or the Government, as the case may be.

XXV. A Deputy appointed under this Regulation shall not be removable but for misconduct, and with the sanction of the Governor-General in Council. Whenever there may be reason to believe that a Deputy is disqualified by neglect, incapacity, or corruption, for continuance in office, a report shall be submitted by the local authorities, through the channel of the Sudder Board of Revenue, for the consideration of the Governor-General in Council, who shall be competent to suspend him, and order a further enquiry into the conduct of such Deputy, or to direct his immediate dismissal, as may appear just and proper.

CHAPTER II.

ACT No. IV. OF 1837.

1.—Any subject of the Crown may hold property in land in the territories of the East India Company.

2.—Persons holding under this Act shall hold subject to all rules applicable to holdings by natives.

I. It is hereby enacted that, after the 1st day of May next, it shall be lawful for any subject of His Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East India Company.

II. And it is hereby enacted that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

ACT No. XVI. OF 1842:

AN ACT CONCERNING THE TERMS OF LEASES GRANTED BY ZEMINDARS AND PROPRIETORS.

Modifies Regulation XIV., 1812, Sections 2 and 3.
Leases granted by Zemindars, &c., for a longer term than their own engagements with Government, to be null and void only for the excess.

It is hereby enacted, in modification of Sections 2 and 3, Regulation XIV. of 1812 of the Bengal Code, that Zemindars or other proprietors of land may grant leases or fix the rent of any land tenure for any period not exceeding the terms of their own respective engagements with Government; provided always that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respectively.

ACT No. VIII. OF 1846:

AN ACT FOR DETERMINING THE DURATION OF THE EXISTING SETTLEMENT OF THE NORTH-WESTERN PROVINCES.

1.—Government Jumma of all villages included on 1st May, 1846, within the districts noted herein to be considered fixed till the dates specified as to each.

2.—Mouzahs standing transferred on 1st May, 1846, to permanently-settled districts to be held for ever on the highest jumma settled prior to that date

3.—Persons holding on special grants or long leases to hold according to the terms.

4.—Malgoozar desirous of relinquishing his lease, may do so on giving notice within two years of its expiry.

5.—In default of notice, the Malgoozar to be bound by existing jumma till revision of settlement.

6.—Government right to demand revenue from resumed rent-free land. Towfeer, &c., not to be taxed.

Whereas the settlement of the several districts of the North-Western Provinces has been made for different periods;

and whereas, from several causes, the duration of the settlement, as stated in the engagements of the Malgoozars, does not always agree with that sanctioned by the Government; and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place;

I. It is therefore hereby enacted that the jumma of all villages included on 1st May, 1846, within the limits of the districts in the said provinces noted below, shall be considered fixed till the date inserted opposite to each district, so far as regards the claim of the Government to any increase upon the jumma determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

Paneeput, July 1st, 1872 (one thousand eight hundred and seventy-two).

Hissar, July 1st, 1860 (one thousand eight hundred and sixty).

Delhi, July 1st, 1870 (one thousand eight hundred and seventy).

Rohtuck, July 1st, 1870 (one thousand eight hundred and seventy).

Goorgaon, July 1st, 1872 (one thousand eight hundred and seventy-two).

Seharunpore, July 1st, 1857 (one thousand eight hundred and fifty-seven).

Mozuffernuggur, July 1st, 1861 (one thousand eight hundred and sixty-one).

Meerut, July 1st, 1865 (one thousand eight hundred and sixty-five).

Boolundshuhur, July 1st, 1859 (one thousand eight hundred and fifty-nine).

Allygurh, July 1st, 1868 (one thousand eight hundred and sixty-eight).

Bijnour, July 1st, 1866 (one thousand eight hundred and sixty-six).

Moradabad, July 1st, t1872 (one thousand eight hundred and seventy-two.

Budaon, July 1st, 1866 (one thousand eight hundred and sixty-six.

Bareilly, July 1st, 1867 (one thousand eight hundred and sixty-seven).

Shahjehanpore, July 1st, 1868 (one thousand eight hundred and sixty-eight).

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Muttra, July 1st, 1871 (one thousand eight hundred and seventy-one).

Agra, July 1st, 1872 (one thousand eight hundred and seventy-two).

Furruckabad, July 1st, 1865 (one thousand eight hundred and sixty-five).

Mynpoory, July 1st, 1870 (one thousand eight hundred and seventy).

Etawah, July 1st, 1871 (one thousand eight hundred and seventy-one).

Cawnpore, July 1st, 1870 (one thousand eight hundred and seventy).

Futtehpore, July 1st, 1870 (one thousand eight hundred and seventy).

Humeerpore, July 1st, 1872 (one thousand eight hundred and seventy-two).

Banda, July 1st, 1874 (one thousand eight hundred and seventy-four).

Allahabad, July 1st, 1869 (one thousand eight hundred and sixty-nine).

Goruckpore, July 1st, 1859 (one thousand eight hundred and fifty-nine).

Azimgurh, July 1st, 1867 (one thousand eight hundred and sixty-seven).

II. And it is hereby enacted that, in the said provinces, mouzahs standing transferred on the above date of May 1st, 1846, from districts or pergunnahs not permanently settled, to districts or pergunnhs permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest jumma determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

III. Provided always, and it is hereby declared, that persons holding land in special grants or on leases for longer periods than those specified in Section 1, shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted that, whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement, he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the division within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the jumma determined at the time of settlement, or as it stands subsequently altered by Government, prior to the 1st of May, 1846, for the period which may be applicable to his case according to Section 1, and subsequently from year to year, till the settlement be revised, or in perpetuity according to Section 2.

VI. Provided, however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial, towfeer, or other land which was not assessed at the time of settlement.

ACT No. I. OF 1847:

AN ACT FOR THE ESTABLISHMENT AND MAINTENANCE OF BOUNDARY MARKS IN THE NORTH-WESTERN PROVINCES OF BENGAL.

1.—Authorized Revenue Officers may fix boundaries of fields or estates, and require them to be fixed by owners or occupants.

2.—Owners, &c., of conterminous fields, &c., to be served with notice to set up or repair marks.

3.—On default of owners or occupants, Revenue Officers may direct marks to be erected, &c. Costs.

4.—Penalty of Rs. 50 for wilful erasure of boundary marks.

5.—Disputed boundaries to be fixed under Regulation VII., 1822, and Regulation IX., 1833.

6.—Act IV. of 1840 not to apply to such boundary disputes.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to or exempted from the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields or estates;

I. It is hereby enacted that it shall be lawful within the territories subject to the Government of the North-Western Provinces of Bengal for Collectors of land revenue, or persons exercising the powers of Collector, or such Revenue Officers as the Lieutenant-Governor may entrust with that authority, to fix the boundaries of fields or estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such Officers sufficient for distinguishing the limits of those fields or estates, whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

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II. And it is hereby enacted that notices shall be served on the persons owning or occupying the conterminous fields or estates, requiring them to farm or repair the said boundary marks within ten days from the date of the notice, and in the event of these persons not being found in the village, that the said requisition shall be posted at the village Chowree or Chopal, or other conspicuous place in the village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted that, in default of the owners or occupants of the fields or estates complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the fields or estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields or estates, and shall be realized in the same manner as arrears of land revenue.

IV. And it is hereby enacted that any person who may be convicted of wilfully erasing, removing, or injuring such boundary marks, shall be liable to a fine not exceeding 50 rupees for each mark so erased, removed, or injured; one-half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark. Whenever it may not be possible to detect the person who erased, removed, or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of one or both parties, as the Collector or other Officer authorized to make the demarcation may consider just and equitable.

V. And it is hereby enacted that disputed boundaries shall be fixed by Revenue Officers under the powers and in the manner prescribed in Regulations VII., 1822, and IX. of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted that Magistrates are prohibited from taking cognizance, under Act IV. of 1840, of boundary disputes of the nature for which provision is here made, but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of land revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.

ACT No. XIII. OF 1848:

FOR LIMITING THE TIME WITHIN WHICH A SUIT MAY BE BROUGHT TO CONTEST THE AWARDS OF THE REVENUE AUTHORITIES IN THE PRESIDENCY OF BENGAL.*

1.—Suits for contesting any award made by the Revenue authorities before the passing of this Act to be brought within 12 years from date of award.

2.—But not after the expiration of three years from passing of this Act.

3.—Awards subsequent to this Act not to be contested after three years from date.

For the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue authorities under Regulation VII. of 1822, Regulation IX. of 1825, and Regulation IX. of 1833, of the Bengal Code; It is enacted as follows:—

I. No suit shall be entertained in any Court for contesting the justice of any award made before the passing of this Act by the Revenue authorities under any of the recited Regulations after the expiration of twelve years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act after the expiration of three years from the date of the final award.

A. D. 1853.—ACT II.:

AN ACT TO REMOVE DOUBTS AS TO THE LIABILITY OF ALL SUBJECTS OF HER MAJESTY TO THE SAME JURISDICTIONS AS NATIVES IN RESPECT OF PUBLIC AND POLICE DUTIES AND PUBLIC CHARGES INCIDENT TO THE HOLDERS OF LAND OR THEIR LOCAL AGENTS OR MANAGERS.

Whereas by virtue of Act No. IV. of 1837 it is lawful for any subject of Her Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories under the Government of the East India Company; and whereas doubts have arisen whether all subjects of Her Majesty acquiring or holding property in land, or in any emoluments issuing out of land, or acting as local agents or managers of such property, are subject to the same jurisdictions as natives for enforcing the discharge of public and Police duties incident to the holding of such property, or for the enforcement of public charges and assessments upon or in respect thereof; and whereas it is just and reasonable that all persons who may think fit to hold such property, or to be the local agents or managers thereof, should be liable to the public burthens and duties incident thereto, and in case of neglect or

CHAPTER II. refusal to discharge the same, should be subject to the same jurisdictions as natives; It is therefore declared and enacted as follows:—

I. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the said territories, whether in perpetuity or for a term, or being a local agent or manager of any such property, is, by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the Salt or Opium Revenue, or from any duty whatsoever of a public nature to which he would otherwise be subject as the owner or holder of such property, or as a local agent or manager thereof.

II. For the non-payment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth or his descent, shall be subject to the same laws, regulations, and procedure, and to the same jurisdictions, as if he were a native of the said territories.

ACT No. II. OF 1865:

AN ACT TO PROVIDE FOR THE MAINTENANCE OF THE RURAL POLICE IN THE TERRITORIES UNDER THE GOVERNMENT OF THE LIEUTENANT-GOVERNOR OF THE NORTH-WESTERN PROVINCES AND ELSEWHERE.

WHEREAS it is expedient to provide for the better maintenance of the Rural Police in the territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere, it is enacted as follows:—

I. In this Act the singular number includes the plural, and the plural number includes the singular.

II. The proprietor of any estate situated in any district to which the provisions of this Act may be extended shall have authority to assess and collect, for the purposes of this Act, a sum not exceeding one rupee per annum from the occupant of every house upon such estate. It shall be competent to the Collector of the district, acting under the orders of the Local Government, to determine what buildings shall be held to be a separate house for the purposes of this Act.

III. The sum so assessed shall be held to fall due in advance for the coming Revenue year, with the first instalment of agricultural rents payable in the vicinity in that year, and may be realized under the law for the time being in force in such vicinity relating to the recovery of rent. Provided that

no person shall be liable to be ousted from his house for non-payment of any assessment leviable under the last preceding section. Complaints against proprietors for unlawful collection of such assessments shall be treated as falling under Clause 3, Section 23, Act X. of 1859 (to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).

IV. Sections 12, 13, 14, and 15 of Regulation IX. of 1833 (to modify certain portions of Regulation VII. of 1822), and Regulation IV. of 1828 (to provide for the more speedy and satisfactory decision of judicial questions cognizable by Officers of Revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of native agency in the Revenue Department; and to declare the intent of Section 5, Regulation VII. of 1822, touching claims to malikanah), shall be applicable to assessments under this Act.

V. Any person assessed under Section 2 of this Act may, by petition on unstamped paper, complain to the Collector of the district against such assessment, on the ground of inability to pay the same, and the Collector shall be competent to abate, or wholly to remit, the assessment, if he shall be of opinion that the circumstances of the complainant render such abatement or remission proper.

VI. It shall be lawful for the Collector or for any Officer making settlements of land revenue, to assess upon any estate as aforesaid a sum to be contributed yearly by the proprietor for the purposes of this Act, not exceeding the aggregate of the house assessments in any such estate, less ten per cent. Such assessment shall be over and above any municipal cess or percentage levied on the land revenue for similar purposes.

VII. The sum so assessed shall, subject to the sanction of the Local Government, be liable to be altered from time to time in conformity with the foregoing provisions.

VIII. The provisions of this Act shall be applicable to maâfee and nuzzurana estates. Besides the assessments made by the Collector under Section 6 of this Act, it shall be lawful to levy upon the maâfeedars, or (where a sub-settlement shall have been made) on the sub-proprietors, or on the nuzzuranadars, a municipal cess not exceeding Rs. 2-12-0 per cent. of the jumma at which their estates would have been rated if not held under a maâfee or nuzzurana title.

IX. The Local Government may determine by what instalments and at what times the assessments payable under

CHAPTER II. Sections 6 and 8 shall be paid. Any arrears of such assessments may be realized by the same processes and under the same rules as arrears of land revenue.

X. Assessments realized under this Act shall be appropriated, under the orders of the Local Government, to the payment of the Village Police, or to any other purpose connected therewith. Any surplus that may remain shall be at the disposal of the Local Government for sanatory purposes, or any other purpose of general improvement within the district in which the amount is collected.

XI. Every proprietor or other person in whom the right of nomination of village watchmen is vested shall nominate a fit and proper person within fifteen days of the occurrence of any vacancy in the office of watchman on his estate, and the person so nominated shall, after due enquiry, be appointed or rejected by the Magistrate of the district, at his discretion, or by any Officer authorized by him in that behalf. In default of a nomination within fifteen days of the occurrence of a vacancy, or of the rejection of a nominee, the proprietor, or other person in whom the right of nomination is vested, shall be held to be guilty of disobedience to lawful authority, and shall be liable, by order of the Magistrate, to a fine not exceeding Rs. 50, and in default of payment to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate of the district shall proceed to appoint a person to the vacancy.

XII. Any village watchman appointed under this Act may be required to perform within the limits of his village, and in addition to his other duties, any duties required of Police Officers under Act No. V. of 1861 (for the regulation of Police), and he shall be liable to the same penalties for any neglect or disobedience which he would have incurred had he been a Police Officer subject to the provisions of such Act, and guilty of neglect or disobedience, as the case may be.

XIII. The Lieutenant-Governor of the North-Western Provinces may extend the provisions of this Act to any part of the territories within his jurisdiction. Provided that this Act shall have no operation in any village to which Act No. XX. of 1856 (to make better provision for the appointment and maintenance of Police Chowkeedars in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal), or any other special Municipal Law, shall have been extended, so long as such Act or Law shall continue in force in such village.

XIV. Subject to the proviso contained in the last preceding section, the Governor-General of India in Council may extend the provisions of this Act to any province under the immediate administration of the Government of India. Subject to the like proviso, the Lieutenant-Governor of the Punjab may also extend the provisions of this Act to any part of the territories under his Government.

XV. From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made as shall be inconsistent with or repugnant to this Act shall cease to have effect in such territories.

ACT No. VII. OF 1865:

AN ACT TO GIVE EFFECT TO RULES FOR THE MANAGEMENT AND PRESERVATION OF GOVERNMENT FORESTS.

WHEREAS it is expedient that rules having the force of law should be made from time to time for the better management and preservation of forests wherein rights are vested in Her Majesty for the purposes of the Government of India; It is enacted as follows:—

I. In this Act, unless there be something repugnant in the subject or context—

"Government forests" shall mean such land covered with trees, brushwood, or jungle, as shall be declared in accordance with the second Section of this Act to be subject to its provisions.

"Magistrate" shall mean the Chief Officer charged with the executive administration of a district or place in criminal matters, by whatever designation such Officer is called, and shall include any person invested by the Local Government with the powers of a Magistrate or of a Subordinate Magistrate as defined in the Code of Criminal Procedure, with a view to the exercise by him of such powers under this Act.

And in every part of British India in which this Act operates, "Local Government" denotes the persons authorized to administer executive government in such part, and includes the Chief Commissioner of any part of British India under the immediate administration of the Governor-General of India in Council, whenever such Chief Commissioner is authorized by the Governor-General in Council to exercise the powers of a Local Government under this Act.

II. The Governor-General of India in Council within the provinces under his immediate administration, and the Local

CHAPTER II. Governments within the territories under their control, may, by notification in the official *Gazette*, render subject to the provisions of this Act such land covered with trees, brushwood, or jungle, as they may define for the purpose by such notification: provided that such notification shall not abridge or affect any existing rights of individuals or communities.

III. For the management and preservation of any Government forests or any part thereof in the territories under their control, the Local Governments may, subject to the confirmation hereinafter mentioned, make rules in respect of the matters hereinafter declared, and from time to time may, subject to the like confirmation, repeal, alter, and amend the same. Such rules shall not be repugnant to any law in force.

IV. Rules made in pursuance of this Act may provide for the following matters:—

First,—The preservation of all growing trees, shrubs, and plants within Government forests, or of certain kinds only —by prohibiting the marking, girdling, felling, and lopping thereof, and all kinds of injury thereto; by prohibiting the kindling of fires so as to endanger such trees, shrubs, and plants; by prohibiting the collecting and removing of leaves, fruits, grass, wood-oil, resin, wax, honey, elephants' tusks, horns, skins and hides, stones, lime, or any natural produce of such forests; by prohibiting the ingress into and the passage through such forests, except on authorized roads and paths; by prohibiting cultivation, and the burning of lime and charcoal, and the grazing of cattle within such forests.

Second,—The Regulation of the use of streams and canals passing through or coming from Government forests, or used for the transport of timber or other, the produce of such forests—by prohibiting the closing or blocking up for any purposes whatsoever of streams or canals used or required for the transport of timber or forest produce; by prohibiting the poisoning of, or otherwise interfering with, streams and waters in Government forests, in such a manner as to render the water unfit for use; by regulating and restricting the mode by which timber shall be permitted to be floated down rivers flowing through or from Government forests, and removed from the same; by authorizing the stoppage of all floating timber at certain stations on such rivers, within or without the limits of Government forests, for the purpose of levying the dues or revenues lawfully payable thereon; by authorizing the collecting of all timber adrift on such rivers, and the disposal of the same belonging to the Government.

Third,—The safe custody of timber, the produce of Government forests—by regulating the manner in which timber, being the produce of Government forests, shall be felled or converted; by prohibiting the converting or cutting into pieces or burning of any timber, or the disposal of such timber, by sale or otherwise, by any person not the lawful owner of such timber, or not acting on behalf of the owner; by regulating the manner in which property-marks shall be affixed to timber and other forest produce in Government forests; by prohibiting the affixing of property-marks to timber by any person not the owner of the timber, or acting on behalf of the owner, so long as such timber shall be within certain territorial limits, or shall be in transit on certain rivers; by prohibiting within certain territorial limits the effacing or alteration of property-marks on timber; by prohibiting, within such limits, the use of the property-marks employed by the Government, or the fraudulent use of the property-marks of private persons; by requiring the registry within certain territorial limits of implements for affixing property-marks on timber; by directing the levying of fees for the registration of such implements.

Fourth,—The regulation of the duties of the Government Officers and establishments charged with the management and conservancy of Government forests, and with the levy of forest dues and revenues—by prohibiting their engaging in any employment or office other than their duties as public servants; by fixing penalties for the wilful neglect of the rules laid down for the guidance of such persons in all matters connected with the guarding of the boundaries of the forests, the marking, girdling, or felling of trees, the marking and passing of timber, the reporting and preventing of offences against the rules made in pursuance of this Act, and the collecting of forest dues or revenues.

V. In cases where the penalty of confiscation is not provided by this Act, the Local Government may prescribe punishments for the infringement of rules made in pursuance thereof of, by fine not exceeding five hundred rupees, and in default of payment of such fine, may provide for the imprisonment of the offender for such term as is mentioned in the sixty-seventh Section of the Indian Penal Code.

VI. Such rules, when confirmed by the Governor-General in Council and published in the official *Gazette*, shall have the force of law.

VII. All implements used in infringing any of the rules made in pursuance of this Act, and all timber or other forest

CHAPTER II. produce removed, or attempted to be removed, or marked, converted, or cut up contrary to such rules, shall be confiscated.

VIII. Any Police Officer or person employed as an Officer of Government to prevent infringement of the rules made in pursuance of this Act may arrest any person infringing any of such rules, and may seize any implements used in such infringement, and any timber liable to confiscation under this Act.

IX. Any person arrested on the ground that he has committed an infringement of such rules shall forthwith be taken before a Magistrate, who may, if he see reasonable cause, order such person to be detained in custody until the case shall have been disposed of.

X. Where the doing of any act is made punishable by this Act, or by any of the rules to be made in pursuance thereof, with any penalty, the causing or procuring such act to be done shall be punishable in like manner.

XI. When any timber or other property shall be seized as liable to confiscation under this Act, any Magistrate or Officer empowered to enforce penalties under this Act within the district or division of a district wherein the same may be seized, may, upon information, summon the person in possession of such timber or other property, and upon his appearance, or in default thereof, may examine into the cause of the seizure of such timber or other property, and may adjudge the same to be confiscated and sold on account of the Government.

XII. Any Police Officer or Officer of Government who shall vexatiously and unnecessarily seize the goods or chattels of any person under the pretence of seizing property liable to confiscation, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for a term not exceeding three months.

XIII. All fines and penalties under the Rules made in pursuance of this Act shall be enforced by a Magistrate in the manner prescribed by the Code of Criminal Procedure, and the rules therein contained for the trial of cases and for appeals shall be applicable to confiscations adjudged under this Act.

XIV. When the confiscation of any property shall be adjudged under the last preceding section, the same shall thereupon belong to and vest in Her Majesty, and a warrant shall be issued by the Court to a Police Officer directing him to hold the property confiscated at the disposal of the Local Government.

XV. When any confiscation or penalty shall be adjudged under this Act, the Local Governments may, within three months after final judgment, call for the proceedings of the case, and, if they shall see cause, may direct that the seizure or any part thereof be restored, and may remit the penalty, or part thereof, and direct that the offender be discharged.

XVI. No suit or other proceeding shall be commenced against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof; nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

XVII. No charge of an offence under this Act shall be instituted except within six months after the commission of such offence.

XVIII. This Act shall extend to all the territories under the immediate administration of the Government of India, and under the Governments of Bengal, the North-Western Provinces, and the Punjab; and it shall be lawful for the Governors in Council of Madras and Bombay respectively, by notification in the official *Gazette*, to extend this Act to the territories under their respective Governments.

XIX. This Act shall come into operation on the first day of May, 1865, and may be cited as "The Government Forests Act, 1865."

ACT No. II. OF 1866:

AN ACT TO AMEND ACT NO. II. OF 1865.

WHEREAS it is expedient to amend Act No. II. of 1865 (to provide for the maintenance of the Rural Police in the territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere); It is enacted as follows:—

I. If any proprietor of an estate, authorized to make an assessment under the second Section of the said Act, shall fail altogether to make such assessment, or shall assess, under the said section a sum which the Collector of the district in which such estate is situate shall consider inadequate, it shall be lawful for such Collector to assess upon such estate, for the purposes aforesaid, a sum payable yearly by the proprietor, not exceeding nine-tenths of the amount which might have been raised in each year under the said section. Such assessment shall be exclusive of the municipal cess or percentage mentioned in the sixth Section of the said Act.

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II. The Local Government may from time to time lay down rules respecting the extent and exercise of the authority conferred by the last preceding section, and such authority shall be subject to the rules aforesaid.

III. This Act shall be read and taken as part of the said Act No. II. of 1865.

IV. This Act shall be called "The Rural Police Act Amendment Act, 1866."

B.—RIVER BOUNDARIES.

A. D. 1825.—REGULATION XI.:

A REGULATION FOR DECLARING THE RULES TO BE OBSERVED IN DETERMINING CLAIMS TO LANDS GAINED BY ALLUVION, OR BY DERELICTION OF A RIVER OR THE SEA.

In consequence of the frequent changes which take place in the channel of the principal rivers that intersect the provinces immediately subject to the Presidency of Fort William, and the shifting of the sands which lie in the beds of those rivers, churs, or small islands, are often thrown up by alluvion in the midst of the stream, or near one of the banks, and large portions of lands are carried away by an encroachment of the river on one side, whilst accessions of land are at the same time, or in subsequent years, gained by dereliction of the water on the opposite side; similar instances of alluvion, encroachment, and dereliction also sometimes occur on the sea coast which borders the southern and south-eastern limits of Bengal. The lands gained from the rivers or sea by the means above mentioned are a frequent source of contention and affray, and although the law and custom of the country have established rules applicable to such cases, these rules not being generally known, the Courts of Justice have sometimes found it difficult to determine the rights of litigant parties claiming churs or other lands gained in the manner above described. The Court of Sudder Dewanny Adawlut, with a view to ascertain the legal provisions of the Mahomedan and Hindoo laws on this subject, called for reports from their Law Officers of each persuasion, and on consideration of the reports furnished by the Law Officers in consequence, as well as of the decisions which have been passed by the Court of Sudder Dewanny Adawlut in cases brought before them in appeal which involved the rights of claimants to lands gained by alluvion, or by dereliction of rivers or the sea, the Governor-General in Council has deemed it proper to enact the following rules for

the general information of individuals, as well as for the guidance of the Courts of Judicature; to be in force, as soon as promulgated, throughout the whole of the provinces subject to the Presidency of Fort William.

II. Whenever any clear and definite usage of shekust pywust, respecting the disjunction and junction of land, by the encroachment or recess of a river, may have been immemorially established, for determining the rights of the proprietors of two or more contiguous estates divided by a river (such as that the main channel of the river dividing the estates shall be the constant boundary between them, whatever changes may take place in the course of the river, by encroachment on one side, and accession on the other), the usage so established shall govern the decision of all claims and disputes relative to alluvial land between the parties whose estates may be liable to such usage.

III. Where there may be no local usage of the nature referred to in the preceding section, the general rules declared in the following section shall be applied to the determination of all claims and disputes relative to lands gained by alluvion, or by dereliction either of a river or the sea.

IV. *First*,—When land may be gained by gradual accession, whether from the recess of a river or of the sea, it shall be considered an increment to the tenure of the person to whose land or estate it is thus annexed, whether such land or estate be held immediately from Government by a Zemindar or other superior landholder, or as a subordinate tenure by any description of under-tenant whatever. Provided that the increment of land thus obtained shall not entitle the person in possession of the estate or tenure to which the land may be annexed, to a right of property or permanent interest therein beyond that possessed by him in the estate or tenure to which the land may be annexed, and shall not in any case be understood to exempt the holder of it from the payment to Government of any assessment for the public revenue to which it may be liable under the provisions of Regulation II., 1819, or of any other Regulation in force. Nor, if annexed to a subordinate tenure held under a superior landholder, shall the under-tenant, whether a khodkast ryot holding a mourosee istemraree tenure at a fixed rate of rent per beegah, or any other description of under-tenant, liable by his engagements or by established usage to an increase of rent for the land annexed to his tenure by alluvion, be considered exempt from the payment of any increase of rent to which he may be justly liable.

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Second,—The above rule shall not be considered applicable to cases in which a river, by a sudden change of its course, may break through and intersect an estate, without any gradual encroachment, or may by the violence of its stream separate a considerable piece of land from one estate and join it to another estate, without destroying the identity and preventing the recognition of the land so removed. In such cases, the land, on being clearly recognized, shall remain the property of its original owner.

Third,—When a chur or island may be thrown up in a large and navigable river (the bed of which is not the property of an individual) or in the sea, and the channel of the river or sea between such island and the shore may not be fordable, it shall, according to established usage, be at the disposal of Government. But if the channel between such island and the shore be fordable at any season of the year, it shall be considered an accession to the land tenure or tenures of the person or persons whose estate or estates may be most contiguous to it, subject to the several provisions specified in the 1st clause of this section, with respectto increment of land by gradual accession.

Fourth,—In small and shallow rivers, the beds of which, with the julkur right of fishery, may have been heretofore recognized as the property of individuals, any sand-bank or chur that may be thrown up shall, as hitherto, belong to the proprietor of the bed of the river, subject to the provisions stated in the 1st clause of the present section.

Fifth,—In all other cases—*viz.*, in all cases of claims and disputes respecting land gained by alluvion, or by dereliction of a river or the sea—which are not specifically provided for by the rules contained in this Regulation, the Courts of Justice, in deciding upon such claims and disputes, shall be guided by the best evidence they may be able to obtain of established local usage, if there be any applicable to the case, or if not, by general principles of equity and justice.

V. Nothing in this Regulation shall be construed to justify any encroachments by individuals on the beds or channel of navigable rivers, or to prevent the zillah and city Magistrates or any other Officers of Government, who may be duly empowered for that purpose, from removing obstacles which appear to interfere with the safe and customary navigation of such rivers, or which shall in any respect obstruct the passage of boats by tracking on the banks of such rivers, or otherwise.

ACT No. XXXI. OF 1858:

AN ACT TO MAKE FURTHER PROVISION FOR THE SETTLEMENT OF LAND GAINED BY ALLUVION IN THE PRESIDENCY OF FORT WILLIAM IN BENGAL.

WHEREAS, for the removal of doubts respecting the course proper to be followed in the settlement of land added by alluvial accession to estates paying revenue to Government, it is expedient to lay down certain rules to be observed in the settlement of such land; It is enacted as follows:—

I. When land added by alluvial accession to an estate paying revenue to Government becomes liable to assessment, if it be so agreed on between the Revenue authorities and the proprietor or proprietors, the revenue assessed upon the alluvial land may be added to the jumma of the original estate; and in such case a new engagement shall be executed for the payment of the aggregate amount, and that amount shall be substituted in the Collector's rent-roll for the former jumma of the original estate. If the proprietor or proprietors object to such an arrangement, or if the Revenue authorities are of opinion that a settlement of the alluvial land cannot properly be made for the same term as the existing settlement of the original estate, the alluvial land shall be assessed and settled as a separate estate with a separate jumma, and shall thenceforward be regarded and treated as in all respects separate from and independent of the original estate, whether the separate settlement be made with the proprietor or proprietors, or the land be let in farm in consequence of the refusal of the proprietor or proprietors to accept the terms of settlement. The separate settlement may be permanent, if the settlement of the original estate is permanent.

II. Nothing contained in the preceding section shall affect the rights of any under-tenant in any alluvial land under the provisions of Clause 1, Section 4, Regulation XI., 1825. It shall be the duty of all Officers making settlements of such land, whether the land be settled separately or incorporated with the original estate, to ascertain and record all such rights according to the rules prescribed in Regulation VII., 1822; and to determine whether any and what additional rent shall be payable in respect of the alluvial land by the person or persons entitled to any under-tenure in the original estate. The provisions of the said Regulation, so far as the same may be applicable, are hereby declared to extend to all settlements made under this Act.

III. Every separate settlement of alluvial land heretofore made shall be as good and effectual for the purposes specified in Section 1 as the same would have been if made subsequently

CHAPTER II. to the passing of this Act. Provided that nothing contained in this Act shall be held to affect the rights which any person may have acquired, under a judicial decision or otherwise, before the passing of this Act.

C.—WASTE LANDS.

ACT No. XXIII. OF 1863:

AN ACT TO PROVIDE FOR THE ADJUDICATION OF CLAIMS TO WASTE LANDS.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims which may be preferred to waste lands proposed to be sold or otherwise dealt with on account of Government, and of objections taken to the sale or other disposition of such lands; It is enacted as follows:—

I. When any claim shall be preferred to any waste land proposed to be sold or otherwise dealt with on account of Government, or when any objection shall be taken to the sale or other disposition of such land, the Collector of the district in which such land is situate, or other Officer performing the duties of a Collector of land revenue in such district, by whatever name his office is designated, shall, if the claim or objection be preferred within the period mentioned in the advertisement to be issued for the sale or other disposition of such land, which period shall not be less than three months, proceed to make an enquiry into the claim or objection.

II. The Collector or other Officer as aforesaid shall call upon the claimant or objector to produce any evidence or documents upon which he may rely in proof of his claim or objection, and, after considering the same, and making any further enquiry that may appear proper, shall dispose of the case by an order for the admission or rejection of the claim or objection; and if the land is proposed to be sold, for the sale of the same, subject to any condition or reservation which to such Collector or other Officer as aforesaid shall appear to be proper. If the land is ordered to be sold subject to any condition or reservation, such condition or reservation shall be notified to intending purchasers at the time of sale.

III. Pending an enquiry into any claim or objection under the last preceding section, the Collector or other Officer as aforesaid shall postpone the sale or other disposition of the land; and if he shall order that such claim or objection be rejected, he shall further postpone the sale or other disposition of the land, to allow the claimant or objector to contest the order of rejection in the manner hereinafter provided.

IV. If the Collector or other Officer as aforesaid shall consider the claim or objection to be established, and that the sale or other disposition of the land should not take place, he shall stop the sale or other disposition of the land; but such sale or other disposition of the land may afterwards be proceeded with, if, on an order issued by the Local Government to try the claim or objection, as provided in Section 6 of this Act, the claimant or objector shall fail to establish the same.

V. If the Collector or other Officer aforesaid shall order that the claim or objection be rejected, or that the land be sold subject to any condition or reservation, or that it be otherwise dealt with, he shall cause a copy of such order to be delivered to the claimant or objector; and if such claimant or objector shall not, within one week from the delivery of such copy, or within such further time as the Collector or other Officer as aforesaid, for any special reason to be recorded, shall see fit to grant, give notice in writing to such Collector or other Officer as aforesaid that he intends to contest such order, the order shall be final. If the claimant or objector shall, within the time allowed, give such notice, the Collector or other Officer as aforesaid shall immediately make a report to the Board of Revenue or other superior Revenue authority, and shall forward with such report a copy of his order, stating fully all the circumstances of the case, and the evidence adduced in support, or otherwise, of the claim or objection; and such Board or other authority, on the receipt of such report, and after calling for any further information which it may consider necessary, may confirm, modify, or reverse the order of the Collector or other Officer as aforesaid. If the Board or other authority as aforesaid confirm the order of the Collector or other Officer as aforesaid, or modify such order in such manner as to leave any part of such order in force adverse to the claimant or objector, the Collector or other Officer as aforesaid shall certify such order to the Court constituted as hereinafter provided, and such Court shall forthwith give notice to the claimant or objector; and if such claimant or objector shall not, within thirty days from the delivery of such notice from the Court, institute a suit in such Court to establish his claim or objection, the order of the Board or other authority aforesaid shall be final.

VI. The Local Government may, within twelve months after the date on which the claim of any claimant of waste land, or the objection of any objector as aforesaid, shall have been admitted under this Act by the Collector or other Officer as aforesaid, direct a suit to be brought to try the claim or objec-

CHAPTER II. tion of the claimant or objector in a Court constituted as hereinafter provided.

VII. For the investigation and trial of claims under this Act, the Local Government shall constitute, in every district in which there may be any waste lands capable of being sold or otherwise dealt with on account of Government, a Court consisting of an uneven number of persons, not less than three, of whom the Judge of the district, or the Officer presiding in the principal Civil Court of original jurisdiction in the district, by whatever name his office may be designated, shall be one. Any one or more of the members of which such Court shall consist shall have power to make all such orders in the case as may be necessary prior to the hearing of the suit. Provided that, whenever the Collector or other Officer by whom the original enquiry was held is the Officer presiding in the principal Civil Court of original jurisdiction in the district, such Officer shall not be a member of such Court.

VIII. Whenever any Court is constituted under this Act, notice thereof shall be given by a written proclamation, copies of which shall be affixed in the several Courts, and in the offices of the several Collectors and Magistrates of the district; and from the date of the issue of such proclamation no other Court shall be competent to entertain any claim or objection belonging to the class of claims or objections for the trial and determination of which such Court is constituted.

IX. The Courts constituted under this Act shall be held at such place or places within the limits of their respective jurisdictions as shall be considered most convenient.

X. In every suit instituted under Section 5 of this Act, the claimant of the waste land, or objector to the sale or other disposition of such land, shall appear as plaintiff; and the Collector or other Officer aforesaid shall appear as defendant on the part of Government. Either party may appear by pleader or by agent. Provided that, if such other Officer as aforesaid be the presiding Officer of the principal Civil Court of original jurisdiction in the district, the Local Government shall appoint some other Officer to appear as defendant in the case on its behalf. In any suit ordered to be instituted by the Local Government under Section 6 of this Act, the Government, by any Officer to be appointed for the purpose, shall appear as plaintiff, and the claimant or objector as aforesaid shall appear as defendant.

XI. In suits instituted under this Act, except as hereinafter provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

XII. The Court shall fix a day for the appearance of the parties, and for the hearing of the suit, of which due notice shall be given to the parties or their agents; and on the day so fixed the parties or their agents shall bring their witnesses into Court, together with any documents on which they may intend to rely in support of their respective statements. If either party require the assistance of the Court to procure the attendance of a witness on such day, he shall apply to the Court in sufficient time before the day fixed for the hearing of the suit; and the Court shall issue a subpœna requiring such witness to attend the Court on that day. It shall be competent to the Court to require the personal attendance of the claimant of the waste land or objector as aforesaid on the day fixed for the hearing, or at any subsequent stage of the suit.

XIII On the day fixed for the hearing of the suit, or as soon after as may be practicable, the Court shall proceed to examine the claimant of the waste land, or the objector, or his agent (when his personal attendance is not required), and the witnesses of the parties; and upon such examination, and after inspecting the documents of the parties, and making any further enquiry that may appear necessary, shall proceed to pass such order in the case as it may consider just and proper.

XIV. No appeal shall lie from any decision or order passed under this Act, nor shall any such decision or order be open to revision.

XV. If, on the trial of any suit under this Act, any question of law, or of usage having the force of law, or the construction of a document affecting the merits of the case, shall arise, on which the Court shall entertain reasonable doubts, the Court may, either of its own motion, or on the application of any of the parties to the suit, draw up a statement of the case, and submit it, with its own opinion, for the opinion of the High Court of Judicature, or of the highest Civil Court of appeal and revision in the territory in which the land is situate. Provided that it shall be the duty of every Court held under this Act to make such reference to such High Court, or Court of appeal, if, in any suit under this Act, any question shall arise involving any principle of general importance or the rights of a class.

XVI The Court may proceed in the case notwithstanding a reference to the High Court, or other highest Civil Court of appeal as aforesaid, and may pass an order contingent upon the opinion of the High Court, or other Court as aforesaid, on

CHAPTER II. the point referred ; but no final order for the sale or other disposition of the land in question in the suit, or for the admission or rejection of any claim or objection which shall be before the Court in such suit, shall be passed, until the receipt of the order of the said High Court, or highest Civil Court of appeal.

XVII. The record of cases disposed of by Courts constituted under this Act shall be deposited amongst the records of the principal Civil Court of original jurisdiction in the district in which the property in dispute is situate.

XVIII. No claim to any land, or to compensation or damages in respect of any land, sold or otherwise dealt with on account of Government as waste land, shall be received after the expiration of three years from the date on which such land shall have been delivered by the Government to the purchaser or otherwise dealt with. If within three years after any lands have been delivered by the Government to the purchaser, or otherwise dealt with, any claimant or objector shall prefer a claim to the land so delivered or otherwise dealt with, or an objection to such sale, or to compensation or damages in respect thereof, in the Court constituted under this Act for the district in which the land is situate, and shall show good and sufficient reason for not having preferred his claim or objection to the Collector or other Officer as aforesaid within the period limited under Section 1 of this Act, such Court shall file the claim or objection, making the claimant or objector plaintiff, and the Collector of the district or other Officer as aforesaid (with the like provision as aforesaid if such other Officer be the presiding Officer of the principal Civil Court of original jurisdiction in the district) the defendant in the suit; and the foregoing provisions of this Act shall be applicable to the trial and determination of the suit. The report of the Officer employed to give delivery or to take possession on the part of Government of the land sold or otherwise dealt with, shall be conclusive evidence as to the date on which such delivery was made or possession was taken.

XIX. In any case in which the land has been sold, if the Court shall be of opinion that the claim of the claimant is established, the Court shall not award the claimant possession of the land in dispute but shall order him to receive from the Government Treasury, by way of compensation, a sum equal to the price at which the land was sold, in addition to the costs of suit.

XX. If the land shall have been sold subject to any condition or reservation, or shall not have been sold, but shall

have been otherwise dealt with on account of the Government, and the Court shall be of opinion that the claim to such land, or the objection of an objector, is established, the Court shall award the claimant or objector to receive such sum, in respect of his interest in such land, as shall be awarded in that behalf under the provisions of Act VI. of 1857 (for the acquisition of land for public purposes); and thereupon the Local Government shall proceed under the said Act to obtain an award of the value of such interest.

XXI. An award under any of the provisions of the two last preceding sections shall be in full satisfaction of the claim of the claimant or objector and shall bar any future claim on his part, in respect to the land in suit, resting on the same cause of action, or on a cause of action which existed prior to the date of the sale or other disposition of the land on account of Government.

XXII. Nothing in this Act shall be held to prevent the Local Government from awarding to any claimant of waste land sold on account of Government, on proof, to the satisfaction of the Local Government, of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the Collector or other Officer as aforesaid, or to the proper Court constituted under this Act, within the period prescribed by this Act), such amount as compensation for the said land, within the limit as to amount mentioned in Section 19 of this Act, if the land have been sold not subject to any condition or reservation, as to such Local Government may seem proper.

XXIII. If the land have been sold subject to any condition or reservation, or have been otherwise disposed of on account of Government, and any claim to such land, or objection to the sale or other disposition of the land, shall be proved to the satisfaction of the Local Government, although not preferred to the Collector or other Officer as aforesaid, or to the Court constituted under this Act, within the period prescribed by this Act, the Local Government may award to such claimant or objector such amount as to such Local Government may appear to be the value of the interest of such claimant or objector in such land.

XXIV. Unless the contrary appears from the context words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

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D.—ACQUISITION OF LAND.

ACT No. VI. OF 1857:

AN ACT FOR THE ACQUISITION OF LAND FOR PUBLIC PURPOSES.

WHEREAS it is expedient to make better provision for the acquisition of land needed for public purposes within the territories in the possession and under the government of the East India Company, and for the determination of the amount of compensation to be made for the same; It is enacted as follows:—

I. Sections 2 to 7, inclusive, Regulation I., 1824, of the Bengal Code; so much of Act XXVIII. of 1839 as is in force; Act I. of 1850; Act XVII. of 1850; Act XLII. of 1850; Act XX. of 1852; and Act I. of 1854—are hereby repealed, except so far as they repeal the whole or any part of any other Regulation or Act, and except as to suits or proceedings commenced, contracts made, acts done, and liabilities incurred before the passing of this Act.

II. Whenever it appears to the Local Government that any land is required to be taken by Government at the public expense for a public purpose, a declaration shall be made to that effect under the signature of a Secretary to the Government, or of some Officer duly authorized to certify the orders of the Government, and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose; and after making such declaration, the Government may take any such land in the manner hereinafter provided.

III. Whenever any land shall have been declared to be so required for a public purpose, the Government shall direct the Collector of the district, or some other Officer specially appointed in that behalf, to take order for the acquisition of the land in the manner hereinafter provided.

IV. The Collector or other Officer shall thereupon cause the land to be marked out and measured, and a plan to be made of the same. After the land has been so marked out and measured, he shall cause a notice to be affixed in some conspicuous place upon the land, and published by proclamation in the neighbouring bazaars and villages, to the effect that the land is about to be taken by Government for a public purpose, and shall also give notice to the same effect to the occupier (if any) of such land, and to all such persons known or believed to be interested therein, or to be entitled by Section 38 of this Act to act for persons so interested as shall reside or have agents within the Collectorate or other Revenue district in which the land is situate, by serving such

notice on such persons or their agents. Such notice shall contain a citation calling on all persons interested in the land to appear personally or by agent at a time and place therein mentioned, such time not being less than fifteen days after the date of publication of the notice, and to state the nature of their interests in the land, and the amount and particulars of their claims to compensation for the same.

V. On the day fixed, the Collector or other Officer shall proceed to enquire summarily into the value of the land and the amount of compensation to be awarded, and if he and all the persons interested who have attended in pursuance of the notice agree as to the amount of compensation to be allowed, shall make an award for the same; and if the said persons agree also in the apportionment of the compensation, such apportionment shall be specified in the award. The award shall be final and conclusive in regard to the value of the land and the amount of compensation for the same; and also in regard to the apportionment (if any) of the compensation among the persons who have agreed thereto. The Collector or other Officer may, if no claimant shall attend pursuant to the notice, or if he shall think fit for any other cause, postpone the enquiry to a day to be fixed by him and notified in the manner provided in the preceding section.

VI. When the Collector or other Officer proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry, or on the day to which the enquiry may have been postponed, if no claimant shall attend, or if the said Collector or other Officer shall be unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed, the matter shall be referred to the determination of arbitrators to be appointed in the manner hereinafter provided.

VII. If upon the said enquiry any question arise respecting the title to the land or any rights or interests therein between two or more persons making conflicting claims in respect thereof, the person deemed by the Collector or other Officer to be in possession as owner, or in receipt of the rents as being entitled thereto, shall, for the purpose only of taking such measures as may be necessary for fixing the value of the land and the amount of compensation to be allowed for the same, be held as between such persons to be the person interested in the land.

VIII. When the Collector or other Officer has made an award or directed a reference to arbitration, he may take immediate possession of the land, which shall thenceforward be

CHAPTER II. vested absolutely in the Government, free from all other estates, rights, titles, and interests.

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X. *First*,—When any case is referred to arbitration, the Collector or other Officer, and the person interested in the land, shall, unless they concur in the appointment of a single arbitrator, each appoint one arbitrator; if there be several persons having a joint interest in the land, and they cannot agree in the appointment of an arbitrator, such disagreement shall be deemed a refusal to appoint within the meaning of the next following section.

Second,—If there be several persons having distinct and separate interests in the land, and they cannot agree in the appointment of an arbitrator on their behalf, it shall be competent to the Collector or other Officer (subject to the orders of the Commissioner or other superior Revenue authority) to refer the question of the compensation to be allowed for each of such distinct and separate interests to a separate arbitration; or to select any one of the persons interested whose interest appears to him to qualify such person to represent the others, and the person so selected shall appoint an arbitrator on behalf of all the persons interested.

In every case the appointment shall be in writing, and neither of the parties to the arbitration shall have power to revoke the same without the consent of the other.

XI. If no claimant shall have attended, or if the persons interested in the matter in dispute, or authorized to act in that behalf, refuse or neglect for the period of fifteen days to appoint an arbitrator, then a single arbitrator appointed by the Collector or other Officer shall arbitrate the matter. Provided that the person so appointed shall not be an Officer of Government.

XII. When more than one arbitrator shall be appointed, the arbitrators shall, before they enter upon the matter referred to them, nominate and appoint by writing a third person to act with them as arbitrator; and in case the arbitrators shall neglect to appoint such third person for a period of one week after having been required to do so, the Collector or other Officer shall appoint a third arbitrator.

XIII. If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall die or become incapable of acting, another person shall be appointed in his stead, in the same manner in which the first person was appointed.

XIV. When the amount of compensation is referred to arbitration, it shall be competent to the Collector or other Officer, with the written consent of all the persons interested, to require the arbitrators to determine the proportions in which all such persons are entitled to share in the amount awarded.

XV. When the Collector or other Officer and the persons interested in the land agree as to the amount of compensation, or when such amount shall have been settled by arbitration if any dispute shall arise as to the apportionment of the same or any part thereof, it shall be competent to the Collector or other Officer, with the written consent of all persons interested in the matter in dispute, to refer the same to arbitration. If the parties cannot agree with respect to the nomination of the arbitrators, or if the persons nominated by them shall refuse to accept the arbitration, or having accepted it, shall refuse to act, and the parties are desirous that the nomination shall be made by the Collector or other Officer, he shall appoint some proper person or persons to arbitrate the matter. The provisions of this Act relating to arbitrators appointed under Sections 10 and 11, and to the proceedings of such arbitrators, shall be applicable to persons appointed arbitrators under this section.

XVI. After the arbitrators have accepted the appointment, the Collector or other Officer shall be competent to exercise towards them such powers and authority for securing their attendance and the due completion of their award as the Collector may legally exercise towards witnesses summoned before him when acting judicially for the purpose of compelling them to attend and give evidence.

XVII. If no award be made within a period to be fixed for that purpose by the Collector or other Officer, he may order that the matter shall be referred to another arbitrator or arbitrators, to be chosen in the same manner and subject to the same rules as the first.

XVIII. The Collector or other Officer shall furnish the arbitrators, or so far as may be in his power procure for them, any information which his records or those of any public department may afford connected with the subject of enquiry. He shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for and whom the parties may not be able to produce before them without such process, and require the persons so summoned to bring and produce before them all such books, papers, deeds, writings, maps, and plans as they shall require. Persons so summoned

CHAPTER II. shall be subject to all the provisions of the laws in force regarding persons summoned as witnesses before the Collector when acting judicially.

XIX. Every witness examined before the arbitrators shall be examined upon oath or affirmation to be administered by or made before the said arbitrators.

XX. On the close of the enquiry, the arbitrators, or a majority of them, shall deliver a full and complete award in respect of the matter referred to them, and shall therein specify (as the nature of the case may require) the amount and particulars of compensation awarded by them, the persons entitled to compensation, and the proportions in which they are so entitled.

XXI. The arbitrators on making their award shall be entitled to reasonable fees for their services, the amount of which shall be fixed by the Collector or other Officer subject to the orders of the Commissioner or other superior Revenue authority.

XXII. The award shall declare the costs of the arbitration, and by whom and in what proportion they shall be paid. All costs, including the fees of the arbitrators, incurred for the purpose only of determining the amount of compensation to be allowed for the land, shall be charged to the Government, unless the arbitrators shall award as compensation the same or a less sum than shall have been offered by the Collector or other Officer, in which case each party shall bear his own costs so incurred, and shall also pay a moiety of the fees of the arbitrators. Costs incurred for determining the apportionment of the compensation among the persons interested shall be paid by such persons in such proportions as the arbitrators shall direct.

XXIII. The proceedings of the arbitrators shall be deposited in the office of the Collector or other Officer, and every person interested therein shall be entitled to a copy of the award on plain paper, under the seal and signature of the Collector or other Officer, which copy shall be *primâ facie* evidence thereof.

XXIV. When any land is taken under the provisions of this Act, the amount of compensation to be awarded shall include any damage which may be sustained by any of the persons interested therein in respect of any adjoining land held therewith.

XXV. If any compensation beyond the value of the land be awarded on account of any damage which may be sustained

by any person interested in the land, the award shall specify the value of the land, and the amount of such damage separately, and also the name of the person to whom compensation for damage is awarded.

XXVI. When any land taken under this Act forms part of an estate paying revenue to Government, the award shall specify the net rent of the land, including the Government revenue and the computed value of such rent; and it shall be at the discretion of the Revenue authorities either to pay over the whole of such value to the owner of the estate on the condition of his continuing to pay the jumma thereof without abatement; or to determine what proportion of the net rent shall be allowed as a remission of revenue, in which case a deduction shall be made from the said value proportionate to the value of such remission.

XXVII. When the amount of compensation to be paid for land taken under the provisions of this Act is determined by the award of the Collector or other Officer under Section 5, he shall pay the amount awarded at the time when possession is taken of the land on account of Government. When the compensation is determined by the award of arbitrators under Section 20, the Collector or other Officer shall pay the amount awarded, with interest at the rate of six per centum per annum from the time when possession was taken of the land on account of Government.

XXVIII. Except as provided in the next following section, payment of the compensation shall be made, according to the award, to the persons named therein. Provided always that nothing in this Act contained shall affect the liability of any person who may receive the compensation awarded for any land, or any portion of such compensation, to pay the same to the person lawfully entitled thereto.

XXIX. If there exist any ground which, in the judgment of the Collector or other Officer, renders it improper to make immediate pay of the compensation, or of any portion thereof, to any of the persons having or claiming any interest in the land, or in the compensation awarded in respect thereof, the amount, or such portion of the amount as he may deem sufficient, shall be invested in Government Securities, and held in deposit until an order of Court shall be obtained for the payment thereof. Such order shall be obtained in the Court which would have had jurisdiction in respect of the land taken.

CHAPTER II.

XXX. If the land taken be within the local limits of any of Her Majesty's Supreme Courts of Judicature, and the amount of compensation awarded do not exceed five hundred rupees, the order may be made by the Court of Small Causes.

XXXI. No award of arbitrators made in accordance with the provisions of this Act shall be liable to be reversed or altered, except by the decision of a Civil Court, on the ground of corruption or misconduct of the arbitrators. In case the award shall be so reversed, the matter shall be referred to another arbitrator or other arbitrators, to be appointed in the same manner as the first. All suits to set aside an award under this Act shall be instituted within three months from the date of the award.

XXXII. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house or other building or manufactory, if the owner desire that the whole of such house, building, or manufactory shall be taken.

XXXIII. Whenever any land is needed for a road, canal, railway, or the like, and the Local Government makes the declaration provided in Section 2, it shall not be necessary to specify the extent, limits, or position of the land, but it shall be sufficient to declare the general direction of the line of the work, and the average breadth of the land required for the same.

XXXIV. When any declaration has been made under the provisions of Section 2 of this Act, the Collector or other Officer may authorize any person, with his servants and workmen, to enter upon the land for the purpose of making a survey thereof; and in the case of a road, canal, or railway, to set out the intended line thereof, and to mark such line by cutting a trench or placing land-marks; and where otherwise the survey cannot be completed, and the line marked, to cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided that no person shall enter into any house or building, or upon the curtilage of any house or any enclosed garden (unless with the consent of the occupier thereof), without previously giving the said occupier twenty-four hours' notice of his intention to do so.

XXXV. It shall be the duty of the Collector or other Officer to take account of all necessary damage done as aforesaid, and forthwith to offer payment for the same to the persons interested. In case the offer is not accepted, the damage shall be allowed for in the compensation to be awarded.

XXXVI. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal, or railway, or wilfully destroys, damages, or displaces any land-mark, or effaces or fills any trench intended to mark such line, shall, on conviction, be liable to be imprisoned for any term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

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XXXVIII. In any proceedings under this Act, the following persons shall be deemed persons entitled to act as and to the extent hereinafter provided (that is to say): a trustee or trustees for other persons beneficially interested shall in all cases be deemed the person or persons entitled to act with reference to any such proceedings, and that to the same extent as the persons beneficially interested could have acted if free from disability. A married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age. The guardians of minors and the Committees of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

XXXIX. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction (that is to say):—

The words "the Local Government" shall mean the person or persons for the time being immediately administering the executive government of that portion of the territories in the possession and under the Government of the East India Company in which the land in question is situate, and shall include any Chief Commissioner or other Chief Civil Officer of a province whom the Governor-General in Council may authorize to exercise the powers vested by this Act in the Local Government.

The word "land" shall extend to tenements and hereditaments of any tenure, and all houses, buildings, trees, or appurtenances thereupon, as well as land.

The expression "person interested in the land" shall include all persons interested in the land either for life or for years, or in remainder, reversion, or succession, and all mort-

CHAPTER II. gagees, leaseholders, or tenants, not being tenants by the month or at will, of such land.

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular.

Words importing the masculine gender only shall include females.

The word "person" shall include a corporation.

ACT No II. OF 1861:

AN ACT TO AMEND ACT VI. OF 1857 (FOR THE ACQUISITION OF LAND FOR PUBLIC PURPOSES).

WHEREAS it is expedient to amend Act VI. of 1857 (for the acquisition of land for public purposes); It is enacted as follows :—

I. Sections IX. and XXXVII. of Act VI. of 1857 are hereby repealed.

II. Within the Presidency towns of Calcutta, Madras, and Bombay, and within the settlement of Prince of Wales' Island, Singapore, and Malacca, if the Collector or other Officer is opposed or impeded in taking possession, under Act VI. of 1857, of land required for public purposes, he shall apply to the Commissioner of Police of the town or station, who shall enforce the surrender of the land.

III. The powers conferred by Act VI. of 1857 shall extend, in the case of any road, canal, or railway, to authorize the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal, or railway, as marked on the ground, for taking earth or other materials for making or repairing the road, canal, or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon; and of any land which may be needed for making temporary roads or railways from any public road or any navigable river to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

IV. When the Local Government shall be satisfied that in any special case the provisions of the last preceding section of this Act are inadequate for the purpose of taking ballast or of brick-making, or of quarrying for building stone or limestone, and that it is expedient that land should be temporarily occupied beyond the limits prescribed in the said last preceding section, it shall be competent to the Local Government to extend the provisions of that section to any uncultivated land situated within two miles from the centre line of the road, canal, or railway; provided that the land to be so occupied be not worked or used by the owner or any other person in occupation thereof for the purpose or purposes in this section mentioned, at the time that a declaration shall be made with respect to the land aforesaid under the provisions of Section 2 of Act VI. of 1857.

V. In any case in which the Local Government shall exercise the power vested in it by the last foregoing section, it shall be competent to the person or all the persons to whom compensation would be payable, at any time before he or they shall have agreed to the compensation awarded by the Collector or other Officer, or before the Collector or other Officer shall have referred the matter to arbitration, to require the land in question to be permanently taken, and the value thereof to be awarded in the manner prescribed in Sections 5 and 6 of Act VI. of 1857. Such person or persons shall make an application in writing to the Collector or other Officer on behalf of Government, and on receipt thereof the Collector shall be bound to take the land on behalf of Government as required, or forego the temporary occupation of the same.

VI. This Act shall be read with, and taken as a part of, Act VI. of 1857.

ACT No. XXII. OF 1863:

AN ACT TO PROVIDE FOR TAKING LAND FOR WORKS OF PUBLIC UTILITY TO BE CONSTRUCTED BY PRIVATE PERSONS OR COMPANIES, AND FOR REGULATING THE CONSTRUCTION AND USE OF WORKS ON LAND SO TAKEN.

WHEREAS it is expedient to enable the Government to take land for the construction of works of public utility by private persons or Companies; and whereas it is proper at the same time to protect the rights of all persons from whom land shall be so taken, or be proposed to be taken, and also to determine the manner in which such works may be undertaken, and shall be managed after their construction, as well as to

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secure to the public, under suitable regulations, the use of works constructed on land so taken; It is enacted as follows:—

AS TO THE CONSTRUCTION OF THE ACT.

1. The following words and expressions shall have the several meanings hereby assigned to them, unless when a contrary intention appears from the context:—

Words in the singular number shall include the plural, and words in the plural shall include the singular.

Words importing the masculine gender shall include females.

The words "the work" shall signify the public work proposed to be undertaken.

The words "Local Government" shall mean the head of the executive administration of the province in which the public work is proposed to be constructed.

The words "the Collector" shall include any Officer exercising by authority of Government the duties of a Collector of land revenue, by whatever name his office may be designated.

The words "the promoters" shall mean the person or persons who proposed to construct the work, or are empowered to construct it, whether a single person or a Company.

The words "work under this Act" shall imply a work definitively registered as hereinafter provided by this Act.

The words "the owners" or "the Company" shall signify the parties in charge of any public work under this Act, or referred to in this Act, whether as promoters, proprietors, lessees, agents, assignees, or otherwise, and whether a single person or a Company.

The word "lands" shall include messuages, lands, tenements, and hereditaments of any tenure.

The word "conditions" shall signify the special conditions of agreement between the promoters or owners of a work under this Act and the Government referred to in Section 15 of this Act.

The word "toll" shall include any rate or charge or other payment to be made for any use of a work under this Act,

or for any service performed in connection with the use of any such work.

II. A work of public utility within this Act shall be held to mean any bridge, road, railroad, tramroad, canal for irrigation or navigation; work for the improvement of a river or harbour, dock, quay, jetty, drainage work, or electric telegraph; also all works subsidiary to any such work. It shall be lawful for the Governor-General in Council, from time to time, by a declaration to be made to that effect and published in the official *Gazette*, to order that any other class of works, or any particular work other than those named above, shall be included among works of public utility within this Act.

III. It shall be lawful for the Governor-General of India in Council to vest the principal Executive Officer of any territory under the immediate administration of the Governor-General in Council with any or all of the powers vested by this Act in the Local Government of such territory.

AS TO THE PRELIMINARY PROCEEDINGS TO BE TAKEN, AND THE REGISTRATION OF WORKS.

IV. The promoters of any work of public utility who shall desire to proceed under this Act shall make a preliminary application in writing to the Local Government, explaining the general object and nature of the work and its intended locality. Every such application shall further be accompanied by a statement of the estimated cost of the construction of the said work, and the mode in which the promoters proposed to provide the funds for constructing, maintaining, and working the same.

V. If the Local Government shall not be satisfied with any such application or statement, it may reject it, or it may call on the promoters to supply any further information, or to amend such application or statement on any point on which such further information or amendment shall to the Local Government seem requisite.

VI. If the promoters shall desire to undertake any preliminary survey on account of the proposed work before preparing and submitting the statement aforesaid, they shall declare the same in their preliminary application; and it shall be lawful for the Local Government, if satisfied of the expediency of permitting such survey, to issue a certificate authorizing the same. Such certificate shall declare the names of the promoters entitled to use it, the time for which it shall be in force,

CHAPTER II. and the district or districts or locality for which it shall be valid, and shall contain such further regulations for the guidance of the persons using the said certificate as to the Local Government shall seem fit. The promoters named in such certificate, and such other persons as the promoters shall name in a list to be furnished to the Chief Officer charged with the executive administration of each district in which the proposed work is to be constructed, shall be authorized to enter upon any lands, in the manner and for the time declared in such certificate, to undertake any survey or other investigation necessary for the proper prosecution of the proposed work; and while acting under the authority given in the said certificate, such promoters and other persons aforesaid shall be deemed to be public servants whose duty it is to make a survey under Clause 10 of Section 21 of the Indian Penal Code. Provided that such promoters and other persons shall not be authorized to enter any house or building, or the curtilage of any house or enclosed garden, without the assent of the occupier, or to cut down any tree or otherwise injure or destroy any property. Provided also that such promoters and other persons aforesaid shall, while acting under the authority of such certificate, be liable as public servants for any offence described in Chapter IX. of the said Indian Penal Code to the penalty provided in the said chapter for such offence.

VII. It shall be lawful for the Local Government, before issuing a certificate as aforesaid, to call on the promoters to deposit, as caution money, such sum and in such manner as the Local Government shall in each case determine, to be applied by the Local Government to make good any damage done in the course of such survey by the promoters or other persons using the said certificate. The promoters shall be entitled on their demand to receive back, after the expiry of such certificate, and after the payment of any claim for damage which shall have been proved to the satisfaction of the Local Government, any surplus remaining in the hands of such Government.

VIII. It shall be lawful for the Local Government, at any time prior to the provisional registration of a public work under this Act as hereinafter provided, to cancel a certificate granted under Section 6 of this Act, if it shall appear to such Local Government that the powers granted by such certificate have been abused, or for any other sufficient reason.

IX. The promoters shall, at the time when they submit their preliminary application to the Local Government, publish

the same, and, if they so desire, the statement that accompanies it, in the official *Gazette*, and also, if possible, in at least two newspapers (one of which shall be in English) in the province in which the work is proposed to be executed, and shall repeat such publication at least six times within a period of two months from the date of submission of such application to the Local Government. The promoters shall further cause to be delivered, with all reasonable despatch, and within a period not exceeding two months, to the Collector of every district in which any part of such work is proposed to be constructed, or such other Officer as the Local Government shall from time to time direct, six copies of such application, with a faithful translation of the same into the vernacular language of the district; and shall in like manner publish from time to time, and deliver as aforesaid, copies and translations of any amended applications submitted to the Local Government.

X. The Collector or other Officer as aforesaid shall, on receipt of the preliminary application, publish the same in English, and in the vernacular language of the district, in the localities where the work is proposed to be constructed, in such manner as to him seems best.

XI. At any time not sooner than four months after the receipt of the said application, or if the application be amended, then within four months after the receipt of such amended application, the Local Government, on being satisfied by the promoters that the above conditions have been complied with, shall be authorized to consider finally such application, and any objections that shall have been raised against the construction of the proposed work, and to declare whether the said work may be provisionally registered under this Act or not.

XII. Before declaring that any work may be provisionally registered under this Act, being a railway or tramway in continuation of or forming a branch of any existing line, or being a line that might reasonably be expected to be united with any existing railway either as a continuation or a branch, and at the same time being at some one point within fifty miles distance of such existing railway, the Local Government shall afford to the owners of such existing line reasonable time and opportunity to declare whether they offer any opposition to the registration of the proposed line; and on a full consideration of such opposition, and of the application of the promoters, and of any objections aforesaid, and of the relative

CHAPTER II. public advantages of all proposals made in the matter, the Local Government shall be authorized to declare its decision on the said application.

XIII. Previously to deciding that the said work shall be provisionally registered under this Act, it shall be lawful for the Local Government, if it shall think fit, to appoint a Commission of one or more persons, who may be Government Officers, to enquire into the general object and nature of the said work, its intended locality and probable utility, its estimated cost, the grounds of any opposition to the said work, and any other matter connected with the said work on which such Local Government shall desire to be satisfied. For the purposes of such enquiry, such Commission shall have power to take evidence, and, for obtaining the attendance and for the examination of witnesses, may exercise the powers of a Civil Court under the Code of Civil Procedure.

XIV. On the receipt of the Report of the Commission appointed under the last preceding section, the Local Government shall decide if the said work shall be provisionally registered.

XV. Before declaring its decision as aforesaid, the Local Government shall, subject to such general or special instructions as the Governor-General of India in Council shall from time to time lay down, prescribe the conditions which such Local Government shall consider it necessary to impose on the promoters, having regard to the special circumstances of each case, in respect to the provision and payment of the price of the land for the proposed work, the construction, maintenance, or working of the same, the regulation of the use of the work as regards the security and convenience of the public, and such other matters as to the Local Government may from time to time seem right, and the Local Government shall inform the promoters of such conditions.

XVI. The Local Government, on causing a work to be provisionally registered under this Act, shall determine for what period, being not less than six months, such registry shall be in force; and at any time within such period the promoters may claim to have the registry made definitive, as hereinafter provided.

XVII. Unless for any cause the Local Government shall otherwise determine, the promoters, before they are entitled to claim the definitive registry of the proposed work,

shall deposit with the Government, in such manner as shall be approved by the Local Government, a sum to be fixed in each case by the Local Government, but not exceeding ten per cent. on the whole estimated cost of the said work, as caution money, to be disposed of in the manner agreed in the said conditions, unless it be otherwise dealt with as hereinafter provided. And any sum remaining in the hands of the Local Government from any caution money lodged under Section 7 of this Act shall be held to be a payment in part of the caution money required under this section.

XVIII. The promoters, before such claim for definitive registry shall be admitted, shall further complete an agreement with the Secretary of State for India in Council through the Government, under the conditions aforesaid, or under such other conditions as may be agreed between the said promoters and the Local Government. And thereupon the Local Government shall cause such agreement, with the conditions thereof, to be published in the official *Gazette*, and shall declare that the work is definitively registered as a public work under this Act.

XIX. It shall be lawful for the Local Government, on the application of the promoters of any public work under this Act, to cause to be definitively registered under this Act any public work undertaken by such promoters under an agreement entered into previously to the passing of this Act with the Secretary of State, or the Government of India, or any Local Government, as though such work had been proposed to be undertaken under the provisions of this Act hereinbefore contained. Provided that, at the time of so registering any work, the Local Government shall cause the said contract to be published in the official *Gazette*, with all the conditions attaching thereto, and declare that the said work has been so registered definitively.

XX. It shall be lawful for the Local Government to apply any land in its lawful possession, also any public road or place, for the purposes of any public work under this Act, to be constructed at the expense and risk of the promoters of such work. Provided that every such work shall be definitively registered accordingly, and that the conditions under which such work is undertaken shall be published in the official *Gazette*; also that the prosecution and construction of every such work shall be subject to the provisions of Section 12 of this Act.

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XXI. The Local Government may from time to time, with the assent of the owners of any work under this Act, vary the conditions to be agreed to under Section 15 of this Act; provided that such variation shall forthwith be published in the official *Gazette*, and that after such publication the amended conditions shall be in force in supersession of those first made.

XXII. After the definitive registry of any work under this Act, it shall be lawful for the Local Government from time to time, in such wise as to it shall appear fit, to issue certificates to authorize the promoters, their servants, and agents to enter upon any lands, and to undertake such surveys, or levels, or other examinations as may be necessary for the proper prosecution of the said work; also to dig and bore into the sub-soil, and to indicate the intended boundaries of the land to be taken, and the positions of the proposed works, by suitable land-marks, and to perform all other necessary preliminary acts of the like nature; and such certificates shall declare the names of the persons entitled to use them, the time for which they shall be in force, and the districts or locality for which they shall be valid, and shall contain such further regulations for the guidance of the persons using them as to the Local Government shall seem fit. And while acting under the authority given in the said certificate, such persons shall be deemed to be public servants whose duty it is to make a survey under Clause 10 of Section 21 of the Indian Penal Code. Provided, however, that such persons shall not enter any house or building, or the curtilage of any house or enclosed garden, without giving twenty-four hours' notice, or without the assent of the occupier thereof, nor shall they cut down any tree or otherwise injure or destroy any property, unless the same be essentially necessary. Provided also that such persons, while acting under the authority of such certificate, shall be liable as public servants for any offence described in Chapter IX. of the said Indian Penal Code to the penalty provided in the said chapter for such offence.

XXIII. The promoters shall, on the completion of the necessary surveys and the like, submit to the Local Government such drawings, maps, and plans of the proposed work, as well as of the land required for it, as the Local Government shall in each case require. And thereupon the Local Government shall appoint one or more Commissioners, who may be Government Officers, to examine the said drawings, maps, and plans, and to determine finally, in concert with the promoters

or their agents, all matters of detail in respect of the exact position of the work, or of the parts thereof, as well as the boundaries of the land to be taken for the said work, and shall notify such appointment in the official *Gazette*, and shall cause such notification to be published in the district where the work is proposed to be undertaken, in such manner as shall seem best to the Local Government.

XXIV. The Commissioners appointed under the last preceding section shall proceed at any time, but not sooner than thirty days after such notification, to settle, in concert with the promoters or their agents, the exact position of the work or of the parts thereof, and thereafter with all practicable despatch to examine the boundaries of the land proposed to be taken for the work; and the said Commissioners may call upon the promoter to make any variation in their project, and in the position of the works or any part of them, and in the boundaries of the land proposed to be taken, that may to the said Commissioners seem necessary to secure the safety or convenience of the public, or to prevent any undue interference with private property, or for any other reasonable cause; and any such variation, if agreed to by the promoters, shall thereon be considered to be finally adopted; but if the promoters shall not agree, the question in dispute shall be submitted to the Local Government, and the decision of the Local Government shall be final, provided that the promoters shall not be bound to carry out the proposed work if any variation be insisted upon by the Local Government to which the promoters will not assent.

XXV. The Local Government shall be authorized to extend the periods allowed for giving any notices or for performing any acts required under the foregoing sections, as from time to time may seem to it proper.

AS TO THE TAKING LANDS, THE TITLE THEREIN, AND THE PAYMENT THEREON.

XXVI. When the boundaries of the land required for the work shall have been settled as aforesaid, and the promoters shall have caused the said land to be measured, and suitable land plans to be prepared of the same, the Local Government shall cause a declaration to be made, under the signature of a Secretary to such Government or some Officer duly authorized to certify the orders of the Local Government, that the land aforesaid is required for the said work, and such declaration shall be conclusive that the land may be taken under this Act. After making such declaration, the Local Government may proceed to take any such land as though it had been

CHAPTER II required to be taken at the public expense, and for a public purpose, and as though a declaration had been made as required under Act VI. of 1857 (for the acquisition of land for public purposes).

XXVII. The boundaries as determined by the Commissioners, and the plans and measurements aforesaid of the said land, when verified and found to be correct, or when duly corrected by the Collector or other Officer appointed to proceed under the said Act VI. of 1857, shall be held to be the boundaries, plans, and measurements required under Section 4 of the said Act, so far as the said lands are concerned.

XXVIII. If at any time land shall be required for any necessary or reasonable extension of or addition to any work under this Act, it shall be lawful for the Local Government to make all requisite declarations for the purpose of obtaining such land under this Act, after such and only such of the preliminary proceedings and enquiries hereinbefore required as to the Local Government shall in each case seem sufficient for the protection of the rights of the public and of individuals concerned. Provided that nothing shall be done contrary to the provisions of Section 12 of this Act, and that all proceedings for the actual taking possession of the land shall be conducted in accordance with the provisions of the said Act VI. of 1857.

XXIX. Land may be taken under this Act for a temporary purpose, in like manner as under the said Act VI. of 1857.

XXX. All land taken under this Act shall vest absolutely in the Local Government as though it had been taken for a public purpose under the said Act VI. of 1857, and it shall be lawful for the Local Government to dispose of any land taken under this Act, the whole or any part of which shall not be required for the purpose for which it was taken, in any manner that it may think fit. The Local Government alone shall be responsible for the payment of all claims on account of such land to all persons whatever, and the promoters shall in no wise be responsible for any such payment otherwise than to the Local Government, and then only as is herein declared and provided, and as shall be specially agreed in the conditions aforesaid.

XXXI. When all the conditions as aforesaid applicable to the transfer of the land to the promoters shall have been fully complied with, and not till then, the Government shall cause the promoters to be placed in possession of such land in accordance with such conditions. The title of the Local

Government or of the promoters to such land shall not be liable to be questioned on account of any informality in any proceeding taken under this Act.

XXXII. All expenses attending the proceedings of the Commissioners to be appointed under Section 23 of this Act, and all expenses incurred by the Local Government in taking up the land required for the promoters under the said Act VI. of 1857, shall be paid by the said promoters, unless otherwise specially agreed. The Local Government shall determine the sum due on account of such expenses, and shall be authorized to deduct such amount from any sum lodged as caution-money as aforesaid, if it be not otherwise paid by the promoters, and any sum remaining unpaid, both as aforesaid and on account of land or compensation for which the promoters are liable under the said conditions, may, on the order of the Local Government to that effect, be levied by distress and sale on the said promoters in the manner provided for distress and sale under Civil process.

XXXIII. The promoters shall further be liable for all damage done in any of their preliminary operations, and shall duly satisfy and pay all claims of this description; and if at the time of taking possession of the land required for the promoters it shall appear that any such claim remains unsatisfied, the Collector or other Officer acting under the said Act VI. of 1857 in respect of such land shall be authorized to determine all such claims summarily, as though they had been claims arising under the said Act, and all payments on account of such claims shall be made good by the promoters, as under the last preceding section.

AS TO THE PUBLIC USE OF WORKS.

XXXIV. Every work under this Act shall be available for the use of the public in accordance with and to the extent provided by the conditions aforesaid, or any Act at the time being in force, but not otherwise; and after the publication of the conditions relating to any such works in the official *Gazette*, all Courts may take judicial notice of the same, and it shall be lawful for any person whatsoever to sue the owners of such work for any damage he may incur by reason of any neglect of the said conditions by the said owners in respect of any such public use of such work, as though such person had been a party to the said conditions.

XXXV. The owners of any work under this Act shall be authorized to levy such tolls in such manner as shall be fixed in accordance with the conditions aforesaid, also to refuse

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the use of such work, and to refuse to perform any service in connection therewith, unless such tolls shall be paid in the manner fixed aforesaid, as well as to detain any thing or animal on which such tolls shall be due, and to sell the same if the said tolls shall remain unpaid after a reasonable time has been allowed to elapse for the payment of the same. Provided that no such tolls shall be demanded or taken at any place unless proper tables and lists of such tolls be exhibited at such place in the manner fixed as aforesaid.

AS TO THE CONSTRUCTION OF THE WORKS, AND THE INSPECTION OF THE SAME.

XXXVI. The Local Government may appoint Inspectors to inspect any work under this Act, also all things appertaining thereto, and to the working of the same; but not books or documents otherwise than as shall be provided in the conditions aforesaid. The owners of such work, and all persons authorized by them to use the same in connection with any public use of the said work, and their servants and agents, shall be bound to afford to such Inspectors all reasonable facility for their inspection, and all such information as may be reasonably required by them.

XXXVII. If it appear to the Local Government, upon the report of any Inspector, that the use of any work under this Act cannot be continued without danger to the public or to the persons employed thereon, or that rules adequate to the protection of the public under the provisions of this Act have not been framed and put in force, or that the conditions agreed upon under Section 15 of this Act have not been carried out, the Local Government may order that all defects shall be made good within a reasonable specified time; and in default of the owners of such work complying with such order within such time, or such further time as the Local Government shall appoint, the Local Government shall be empowered to direct that the use of such work shall be suspended until the defects aforesaid shall be remedied to the satisfaction of the Local Government.

XXXVIII. The Local Government may at any time, on the report of an Inspector, during the construction of any work under this Act, direct the promoters to construct in connection therewith such culverts, bridges, tunnels, drains, or other works as may be considered by the Local Government to be necessary to continue to the public any roads, or rights of way, or easements, or the use of any water theretofore available, and to make due provision for the irrigation and drainage of the

country, so as to prevent the same from being impeded or unnecessarily altered by the construction of the said work. If default be made in complying with any directions given under the provisions of this section, the Local Government may order the prosecution of the work to be stopped until such directions shall be complied with to the satisfaction of the Local Government.

XXXIX. Nothing in the last preceding section shall be construed to render the promoters liable to construct any work or to undertake any thing, at variance with the special conditions of agreement under Section 15 of this Act.

XL. The owners of every railway under this Act, being of the gauge of five feet, six inches, shall be bound, unless specially exempted by the Governor-General of India in Council, to erect all the fixed structures, and to construct all the rolling stock, in conformity with the standard dimensions determined in that behalf from time to time by the Governor-General of India in Council; and it shall be lawful for the Local Government to order the said owners to make good all defects in such structures or rolling stock, and to suspend their use until such defects shall be made good to the satisfaction of the Local Government.

XLI. The provisions of Act XVIII. of 1854 (relating to railways in India) shall apply to all railways under this Act; provided that in respect of such railways the Local Government shall be authorized to determine, from time to time, the extent to which fences shall be constructed under Section 20 of the said Act XVIII. of 1854, and that the owners of such railways shall not be liable to maintain fences under the said section otherwise than as shall be so determined.

XLII. In case any doubt shall at any time arise as to the necessity for constructing or altering any work to ensure the safety of the public, or to provide for established public rights of way or other public rights of any sort in connection with any work under this Act, the decision of the Local Government on such subject shall be final, and shall not be liable to be called in question in any Court of Justice.

XLIII. If the owners of a railway under this Act shall desire to form a connection with any existing railway of the same gauge, the owners of the new line shall be authorized to call on the owners of the old line to effect the junction, and if the owners of the old line shall not proceed to effect the junction within a reasonable time, the Local Government, on

CHAPTER II. being satisfied that the junction may be made with safety to the public, and without injury to the existing railway, or detriment to the traffic thereon, may authorize the owners of the proposed line to form the junction and to do all necessary acts in that behalf, and to lay down such additional lines of rails, points, and crossings as may be necessary for the purpose, at such time and in such manner as the Local Government shall direct. Provided that if the junction be effected by the owners of the previously existing railway, the expense of forming the junction, of supplying all necessary works, and of keeping in repair and renewing the same, shall be paid by the owners of the new line.

XLIV. If any difference shall arise as to the terms on which the traffic of a branch or junction line of railway under this Act shall pass over or upon any other line with which it shall be connected, or as to the manner and times of conducting the traffic or of regulating the same over the two lines or either of them, or as to any matter touching any line under this Act used in common by two or more Companies, the Local Government shall be authorized, on the application of either or any one of the said Companies, to hear and determine all such differences, and any order given by the Local Government in such a case shall be final and binding on all parties, provided that no order shall be so given at variance with any condition of any agreement between the Government and any of the said Companies that shall be applicable to the said lines of railway.

AS TO THE MAKING OF BYE-LAWS.

XLV. It shall be lawful for the owners of any work under this Act to make bye-laws and regulations for the guidance of their servants and agents, and of persons employed by them, and for the maintenance of order in the use of such work, and to provide for the safety and convenience of the public or of the persons employed on such work; and all such bye-laws and regulations shall be subject to the approval of the Local Government, and when so approved, all Courts and Magistrates shall take judicial notice of the same, and the Local Government shall be authorized to cause any alterations to be made in the bye-laws and regulations so made and approved as to the Local Government shall from time to time seem proper. Provided that such bye-laws and regulations be not repugnant to any law in force in the British territories in India, and that no penalty shall be attached to the infringement of any such bye-law or regulation exceeding a fine of fifty rupees.

XLVI. Such bye-laws and regulations affecting the public shall be published, and the substance of them shall be notified in such places on the said work and in such manner as the Local Government shall from time to time approve or direct, and no penalty shall be recoverable under such bye-laws or regulations unless the same shall have been published and kept published as aforesaid.

XLVII. In the case of a railway under this Act being of the gauge of five feet and six inches, it is further provided that the bye-laws and regulations shall, unless the Governor-General of India in Council shall otherwise permit, conform in every respect to the regulations for Railway Companies under the said Act XVIII. of 1854.

AS TO THE LIEN OF THE GOVERNMENT ON ANY WORK.

XLVIII. No lands taken or supplied by Government for any work under this Act; no tree, building, or structure standing on such lands; no machinery nor permanent way fixed to the soil on such lands; nor anything whatsoever on which the Local Government shall be entitled to re-enter, or of which it shall be entitled to take possession without payment on the determination from any cause of the agreement between the Local Government and the promoters under the conditions aforesaid, shall, without the consent of the Local Government, be liable to be seized or applied in satisfaction of any debts or liabilities of any sort of the promoters, nor without such consent shall the promoters alienate the same, or any part thereof, in any way not provided for or consonant with such agreement or conditions.

XLIX. If the owners of a work under this Act shall voluntarily determine to wind up their affairs, or shall be so directed by an order of Court, or shall abandon or determine to abandon such work, or shall commit an act of bankruptcy or insolvency, it shall be lawful for the Local Government thereupon to terminate all contracts then existing between it and the promoters in respect of such work, and to re-enter upon and take possession of all things whatsoever to which the Local Government shall be so entitled under the conditions of such contracts; also of all lands taken at the public expense, or supplied to the said promoters free of cost, together with all trees, buildings, and structures standing on such lands, as well as all machinery and permanent way fixed to the soil on such lands; provided that nothing shall be so taken which shall be expressly excluded from such liability under the conditions aforesaid. But the Local Government shall be bound to surrender to a

CHAPTER II. lawful claimant all movable property of which it shall at any time obtain possession from the promoters otherwise than by purchase, which shall not have been fully paid for by the promoters; or in lieu of such surrender, if the Local Government shall so determine, to satisfy all just outstanding claims on account of such property; provided that no such surrender shall be obligatory, and no such claim shall be entertained in respect of anything that shall have been delivered to the said promoters more than twelve months before the date of such surrender being required, or of such claim being made known to the Local Government.

AS TO MINES NEAR ANY WORK.

L. Whenever land shall be taken under this Act for the construction of any work, the taking thereof shall not be held to convey or include the right to any mine of coal or other minerals lying under such land, except only such part thereof as shall be necessary to be dug or carried away or used in the construction of the works, unless compensation for the same shall have been expressly allowed in the award made in favor of the persons interested in the land.

LI. If the owner, lessee, or occupier of any mine of coal, or of any other mineral, lying immediately under any work under this Act, or within forty yards therefrom, shall work the same, it shall be competent to the Local Government, on the application of the promoters of such work, to require such person to abandon such working, or so to work the same as not to endamage the said work, and to construct the works necessary to make it safe. Provided that compensation shall be awarded to such owner, lessee, or occupier, in the manner provided for in the said Act VI. of 1857, for any loss sustained by him from being compelled to abandon or alter his mode of working the mine, and also for any necessary works constructed by him (when so required as aforesaid) in order to prevent damage to the said work, but all damage or loss to the promoters arising from any improper working of such mines shall be at the risk of the owners, lessees, or occupiers of the said mines, and shall be made good by them.

AS TO OFFENCES AND THE RECOVERY OF PENALTIES.

LII. Whoever shall obstruct or commit any contempt of the lawful authority of any public servant in the discharge of any function, or in the performance of any thing undertaken under this Act, or shall commit mischief by destroying, defacing, or removing any land-mark fixed by the authority of any such

public servant, shall be punishable under the provisions of the Indian Penal Code. CHAPTER II.

LIII. All penalties for offences under the bye-laws and regulations aforesaid shall be recoverable in the manner provided for offences punishable by fine only in the said Act XVIII. of 1854 (relating to railways in India).

ACT No. XII. OF 1866:

AN ACT TO PROVIDE FOR THE COMPULSORY TAKING OF RIGHTS TO FORM AND MAINTAIN PRIVATE WATER-COURSES FROM PUBLIC WORKS OF IRRIGATION.

WHEREAS it is expedient to provide for the compulsory taking of rights to form and maintain private water-courses through lands lying between public works of irrigation and the lands, mills, sewers, reservoirs, or buildings of persons desiring water from such works for the purposes of irrigating working, or cleansing such lands, mills, or sewers, or for bathing, drinking, manufacturing, or other useful purposes; It is enacted as follows:—

I. In this Act, words in the singular include the plural and words in the plural include the singular; "Section" means a section of this Act; and in every place in which this Act operates, "Local Government" means the person authorized by law to administer executive government in such place, and includes a Chief Commissioner; "Collector" includes any Officer authorized to exercise the duties of a Collector of the land revenue of such place; and "Canal Officer" means the Chief Officer invested by the Local Government with the immediate control of the district defined by the Local Government for the purposes of irrigation in which such place shall be situate.

II. Whenever any person shall require the right to form and maintain, for any of the purposes aforesaid, a private water-course through the lands (hereinafter called the intervening lands) lying between a public work of irrigation and his own lands, mills, sewers, reservoirs, or buildings, he shall apply in writing under his hand to the Canal Officer, stating

(1)—The particulars of the right so required;

(2)—That the applicant is willing to pay a reasonable sum for the purchase, rent, or revenue thereof, to defray the expense of the survey, memoranda, and plans required by this Act, to make reasonable compensation for any injury that

CHAPTER II. may be caused to the intervening lands and to the crops thereon by the formation of the proposed water-course, and to construct and maintain such works connected therewith as may be necessary ; and

(3)—That he has endeavoured unsuccessfully to enter into an agreement with the owners, tenants, and occupiers of the intervening lands as to the amount of the purchase-money or rent and compensation aforesaid.

Such application shall bear a stamp of eight annas.

III. On receiving such application, the Canal Officer shall visit the intervening lands and make enquiry as to the expediency of forming the proposed water-course. If he is not satisfied of such expediency, he shall reject the application; but if he is satisfied of such expediency, he shall cause to be made, at the applicant's expense, a survey of the intervening lands, and a memorandum and plan showing the direction, length, width, and depth of the proposed water-course; the bridges, aqueducts, drains, or other works (if any) to be made in connection therewith, and the amount of land required therefor. Such memorandum shall also state that, in the opinion of the Canal Officer, the formation of the proposed water-course will be a benefit to the applicant, and will cause no disproportionate injury to the intervening lands, and it shall be subscribed by the Canal Officer and recorded in his office.

IV. The Canal Officer shall forward the said plan, together with a copy under his hand of such memorandum, to the Collector, who shall furnish a copy under his hand of the memorandum to the Lumberdar or Sudder Malgoozar of every village through which the proposed water-course is to pass.

V. The Collector shall also cause the contents of the said memorandum to be proclaimed in every such village in the local vernacular language, and shall at the same time cause notice to be published in the same language in every such village that any person interested in the lands to be traversed by the proposed water-course, and objecting to its formation, shall be at liberty to apply to him within fifteen days from the date of such proclamation.

VI. Any such person may, within the time hereinbefore limited, present a petition to the Collector, stamped with a stamp of the value of eight annas, and setting forth his objections to the formation of the proposed water-course. The

Collector may, in his discretion, either reject the petition, recording his reasons thereon, or make an enquiry, of which he shall give previous notice to the Canal Officer, as to the validity of the objections, and summon witnesses and require them to produce before him all such documents as he shall think fit. Persons so summoned shall be subject to the law for the time being in force as regards persons summoned before a Collector acting judicially.

VII. If no objection shall have been made under the provisions of Section 6;

Or if the Collector shall think that the objections (if any) to the formation of the proposed water-course are insufficient, and that such water-course should be formed;

Or if he shall think that such objections are sufficient, and that it should not be formed;

Or if he shall think that such objections exist, but that they may be obviated by the construction of bridges, aqueducts, drains, or other such works, in addition to the works (if any) referred to in Section 3, and that the proposed water-course should be formed, proper provision being made for the construction and maintenance of such additional works (mentioning them);

He shall make, subscribe, and record in his office, a memorandum to that effect.

VIII. The Collector shall thereupon send the Canal Officer a copy under his hand of such memorandum.

IX. If the Canal Officer shall agree with the Collector that the water-course should be formed, and that no additional works connected therewith are needed, he shall proceed according to the provisions in such case contained in Section 14.

X. If he shall agree with the Collector that the water-course should not be formed, he shall give notice thereof to the applicant, and all proceedings shall thereupon be stayed.

XI. If the Canal Officer shall agree with the Collector that the water-course should be formed, proper provision being made for the construction and maintenance of the additional works mentioned in Section 7, he shall cause to be prepared, at the expense of the applicant, a memorandum and plan of the same works, and shall record such memorandum and plan in his office, and shall forward to the Collector the plan and a copy of the memorandum.

CHAPTER II.

XII. If the Canal Officer disagree with the Collector's memorandum under Section 7, he shall submit the copy thereof sent to him under Section 8, together with a statement of his own reasons for such disagreement, through the head of his own department, to the Commissioner of the Division If the Commissioner agree with the Canal Officer, the Commissioner's decision on the points in dispute shall be final. If the Commissioner disagree with the Canal Officer, the whole case shall be referred to the final decision of the Local Government.

XIII Where the Collector is himself the Canal Officer, he shall forward to the Commissioner of the Division all petitions presented under Section 6, who shall then proceed in the same manner, and with the same powers, as if he were a Collector acting under Section 6; and in every such case Sections 7, 8, 9, 10, and 11 shall be read as if for the word "Collector" the words "Commissioner of the Division" were substituted.

XIV. At the expiration of thirty days from the giving of the notice mentioned in Section 5, if, under the provisions hereinbefore contained, it shall have been determined that the proposed water-course is to be formed, the Canal Officer shall enter upon the intervening lands and mark out the limits of the proposed water-course; and thereupon the Collector shall adjust the amount to be given as purchase-money, rent, and revenue, or any of them, for the right and as compensation for the injury respectively mentioned in Section 2. In making such adjustment, the Collector shall follow the procedure and may exercise the powers prescribed for and conferred upon him by Act No. VI. of 1857, Sections 4, 5, 6, and 7.

XV. The Collector shall then require the applicant to pay such amount (if any) as shall be payable at once, and, if the said Collector shall think fit, to deposit with him such security as he shall deem sufficient for the due payment of the rent and revenue (if any) aforesaid, and for the construction and maintenance of the works (if any) connected with the said water-course; and, on compliance with such requirement, the Collector shall authorize the applicant to take and enjoy the right aforesaid.

XVI. On receiving such authority from the Collector, it shall be lawful for the applicant, with such workmen, cattle, and things as may be necessary, to enter upon the intervening lands, and make the proposed water-course within the limits so marked out as aforesaid, and either to remove all or any of the clay, sand, gravel, and stones which shall be taken out

of the said water-course, or to use all or any parts thereof in making the said water-course and the works connected therewith, and to use such water-course for the purpose of conveying water from the said public works of irrigation in the direction of and into his lands, mills, sewers, reservoirs, or buildings, as the case may be, at the place indicated in the plan mentioned in Section 3; and from time to time, with such workmen, cattle, and things as aforesaid, to enter upon the said intervening lands, and inspect, repair, and cleanse the said water-course, and from time to time, for the purposes aforesaid, to place upon the same lands and to remove such materials, machinery, and other things, as he shall think fit.

XVII. It shall be lawful for the Local Government from time to time to prescribe rules, consistent with the provisions of this Act, upon all or any of the subjects next hereinafter mentioned (that is to say):

First,—The formation of the water-course, and the works (if any) connected therewith, in a proper and workmanlike manner.

Second,—The removal of the clay, sand, gravel, and stones excavated in the formation of the water-course, and not used as aforesaid.

Third,—The time for completion of the water-course, and the works (if any) connected therewith.

Fourth,—The cleansing of the water-course, and the maintenance and repair of the water-course and works (if any) connected therewith.

Fifth,—The avoidance of unnecessary damage to the surface of the adjoining lands and the crops for the time being thereon, and the compensation for such damage (if any).

Sixth,—The prevention of injury to the water-course, and of interference with the flow of water through the same.

Seventh,—The making good of such injury, and the restoration of the flow of water.

Eighth,—The adjustment of the rights in the water-course of the persons for whose benefit it is formed, or to whose benefit it may afterwards be extended.

Ninth,—In case the water-course be discontinued, the conditions on which the owner of the intervening lands

CHAPTER II. may enter upon the ground within its limits, and the condition on which the persons mentioned in paragraph 8 of this section may be discharged from the further payment of rent or revenue in respect of the water-course.

Such rules, when they shall have received the sanction of the Governor-General of India in Council, and when they shall have been published in the official *Gazette*, shall be read with and taken as part of this Act.

XVIII. No suit shall lie in respect of the compulsory taking, prior to the passing of this Act, of any land for the formation of a private water-course for any of the purposes mentioned in the preamble to this Act; but in every such case it shall be lawful for the Collector, within one year from the passing or extension of this Act, on the application of the person from whom the land was so taken, his representatives or assigns, to adjust, in manner hereinbefore referred to, the amount to be given as purchase-money, rent, or revenue for the said land; and on failure, within thirty days after such adjustment shall have been notified to the person who shall have taken such land, his representatives or assigns, to pay the said purchase-money, or to give security to the satisfaction of the Collector for the due payment of the said rent or revenue, the Collector may replace the person from whom the land was so taken, his representatives or assigns, in possession of the land aforesaid. The Collector may also award to him or them such compensation as the Collector shall think fit for the injury (if any) done to such land by the formation of the water-course, and the amount of such compensation may be recovered in such manner as the Local Government shall provide.

XIX. This Act applies to the territories respectively under the Governments of the Lieutenant-Governor of the North-Western Provinces and the Lieutenant-Governor of the Punjab; but it may be extended, *mutatis mutandis*, to any other part of British India, by an order of the Local Government notified in the official *Gazette;* and from the date of any such extension, so much of any Act, Regulation, or rule having the force of law, which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with this, Act or with any rule prescribed by such Government pursuant to Section 17, shall cease to have effect in such territories.

E.—PARTITIONS.

ACT No. XIX. OF 1863:

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE PARTITION OF ESTATES PAYING REVENUE TO GOVERNMENT IN THE NORTH-WESTERN PROVINCES OF THE PRESIDENCY OF FORT WILLIAM IN BENGAL.

WHEREAS it is expedient to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal; It is enacted as follows:—

I. From the date of the passing of this Act, Regulation IX., 1811, of the Bengal Code (for facilitating the division of landed property, and for securing the rights of joint sharers in joint undivided estates), Regulation XI., 1811, of the same Code (for extending the period fixed by the existing Regulations for revising the jumma on lands ordered to be divided into two or more estates), Regulation XIX., 1814, of the same Code (for reducing to one Regulation, with alterations and additions, certain Regulations respecting the partition of estates paying revenue to Government), Act XX. of 1836, and Act XI. of 1838, except in so far as the said Regulations and Acts repeal any Regulation or Act, or any part of any Regulation or Act, and except as to the partition of any estate which shall be pending at the time of the passing of this Act, shall cease to have effect in the North-Western Provinces of the Presidency of Fort William in Bengal. Unless as hereinafter provided, the partition of any estate which shall be pending at the time of the passing of this Act shall be proceeded with and completed in the same manner as if this Act had not been passed.

II. Except as directed in the last preceding section, all partitions of estates which shall be ordered to be made by the Officers of Government after the passing of this Act shall be made under the provisions of this Act, whatever may be the tenure of the estate ordered to be divided.

III. Every recorded proprietor of a joint undivided estate paying revenue to Government, or of any portion thereof, whether such estate is held in common tenancy or otherwise, is entitled to claim partition under this Act.

IV. When any one or more of the recorded proprietors of an estate, as described in the last preceding section, shall desire to have his or their shares of the estate separated, in order that he or they may hold the same as a separate property, or as separate properties, such proprietor or proprietors

CHAPTER II. shall make a written application for the purpose to the Collector of the district. Any two or more proprietors may apply to have their shares separated, and to hold the same as a joint estate.

V. The application shall be signed by the party or parties applying for the partition, and shall specify the nature of the tenure of the estate sought to be divided. The names of all the co-sharers in the estate, the nature and extent of their respective shares, so far as the same may be known to the applicant or applicants, or can be ascertained by him or them, and the mode of partition desired, shall also be stated. If the application does not contain the particulars above mentioned, the Collector may reject it.

VI. The Collector, on the receipt of an application for partition, shall, if the application be in order, and not open to objection on the face of it, publish a notification of the same at his office, and at some conspicuous place on the estate to which the application relates, and shall invite any party in possession, who may not have joined in the application, and who may object to the partition applied for, to appear before him, either in person or by a duly constituted agent, on a day to be specified in the notification, not being less than fifteen or more than thirty days from the date of the notification, and state his objection. If the application for partition shall not have been made by all the recorded proprietors of the estate, notice of the application shall be served, in the manner usual in the district for serving notices of the Revenue Officers, on such of the recorded proprietors of the estate as shall not have joined in the application. Provided that, if from any cause such service cannot take place, a proclamation notifying such application shall be published by affixing it at the Maal-Cutcherry of such estate or other conspicuous place thereon, or at the village Chowree, Choupal, or other conspicuous place in each village in such estate.

VII. If any objection be made to the partition by any party in possession within the time allowed, and the Collector, on a consideration of such objection, be of opinion that there is any good and sufficient reason, not inconsistent with the provisions of this Act, why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

VIII. If the objection raise any question of title or of proprietary right, which shall not appear to have been already determined by a Court of competent jurisdiction, the Collector

may either decline to grant the application until the question in dispute shall have been determined by a competent Court, or he may proceed to enquire into the merits of the objection. In the latter case, the Collector, after making the necessary enquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests in the actual possession of the party or parties applying for the partition, and any other party or parties who may be affected thereby. The procedure to be observed by the Collector in trying such cases shall be that laid down in Act VIII. of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter) for the trial of original suits. And the Collector shall have power to refer any question that may arise in such case to arbitration, and the provisions of Chapter VI. (relative to arbitrators) of the Code of the Civil Procedure shall apply to cases so referred by a Collector.

IX. All orders and decisions passed by the Collector under the last preceding section for declaring the rights of parties shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or Sudder Court, according to the value of the claim, under the rules applicable to regular appeals to those Courts. Upon such appeal being made, the District or Sudder Court, as the case may be, may issue a precept to the Collector, desiring him to stay the partition pending the decision of the appeal.

X. From every decision passed under the last preceding section by a District Court a special appeal shall lie to the Sudder Court, under the rules for the time being in force relating to special appeals to that Court.

XI. It shall not be competent to the Civil Court to entertain a suit or application for the partition of an estate, except on appeal from the decision of the Collector as hereinbefore provided, anything contained in Section 225, Act VIII. of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter), to the contrary notwithstanding.

XII When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a notification to be published in his own office, in the District Court, and at some conspicuous place on the estate which is to be divided, intimating his inten-

CHAPTER II. tion to proceed with the partition after thirty days from the date of the notification.

XIII. The partition shall be made by the Collector in whose district the estate is situate, or if the estate be situate in two or more districts, then by the Collector of any one of such districts who may be specially ordered by the Commissioner of the division to superintend the partition. If the estate be situated in two or more divisions, the partition shall be made by such Collector, as the Board of Revenue shall order.

XIV. The expense of making the partition, and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector. The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue, with the sanction of the Local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

XV. At any stage of the proceedings, after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any reason, not inconsistent with the provisions of this Act, exists why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition, and to order the proceedings to be quashed. The decision of the Revenue authorities under this section shall not be open to revision by the Civil Court.

XVI. After the expiration of the period mentioned in the notification referred to in Section 12 of this Act, the Collector shall, if necessary, cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared. The village papers which are required to be prepared and periodically deposited in the office of the Collector under the provisions of Sections 11 and 12, Regulation IX., 1833 (to modify certain portions of Regulation VII., 1822, and Regulation IV., 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by Officers of Revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of native agency in the Revenue Department; and

to declare the intent of Section 5, Regulation VII., 1822, touching claims to malikana) may be used for the purposes of this Act. Provided that any of the proprietors shall be permitted to file a rent-roll of the estate, which shall be accepted, if acknowledged to be correct by all the proprietors.

XVII. The Collector may examine the parties on solemn affirmation in regard to the papers produced before him, whether by the Officer appointed to make the partition, the proprietors, or otherwise. He shall also allow any shareholder to examine the papers so produced, and to take a copy of the same, and after such examination he shall hear any objections which any of the shareholders may make in respect to such papers. The Collector may direct any Deputy Collector or other Officer subordinate to him to examine the papers produced before him, and to make a report upon the same.

XVIII. The Collector, on the completion of the enquiry allowed by the last preceding section, shall allow the parties the option of making a private partition of the estate and allotment of the public revenue amongst themselves, within such time as he may fix, or if the parties shall not consent to make a private partition of the estate, or shall fail to make such partition within the time fixed by the Collector, the Collector shall call upon them to state whether they are willing to refer the partition of the estate and the apportionment of the public revenue to an arbitrator or arbitrators to be appointed by them. The Collector may also offer the parties the option of referring any point arising in the course of a partition to arbitration. The partition and allotment of the public revenue made by the parties, or by arbitrators appointed by them, shall be subject to the confirmation of the Collector and the orders of the superior Revenue authorities.

XIX. If the parties consent to refer the partition of the estate and the allotment of the public revenue, or any point arising in the course of the partition, to arbitration, but they cannot agree amongst themselves as to the arbitrator or arbitrators to be appointed, the Collector may appoint two or more persons to be arbitrators in the case. If the arbitrators are equally divided in opinion, the Collector shall act as umpire, and the partition made by the arbitrator or arbitrators with whom the Collector shall concur shall be the partition in the case. The same rule shall apply in respect of any point arising in the course of a partition which shall be referred to arbitration.

CHAPTER II.

XX. If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall die or become incapable of acting, another person shall be appointed arbitrator in his stead, in the same manner in which the first person was appointed.

XXI. After the arbitrators shall have accepted the appointment, the Collector shall transmit the whole of the papers to them, and it shall be competent to the Collector to exercise towards the arbitrators the same powers and authority for securing their attendance and the due completion of their award which he is competent to exercise towards witnesses summoned before him, when acting judically, for the purpose of compelling them to attend and give evidence. The Collector shall also fix a time within which the arbitrator or arbitrators shall deliver the paper of partition. On sufficient cause shown, the Collector may extend such period.

XXII. The arbitrators shall deliver a full and complete paper of partition, specifying the separate estates into which they propose that the estate shall be divided, the names of the parties to whom the several estates are proposed to be allotted, and the amount of public revenue to be assessed on each of such estates.

XXIII. The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount to be fixed by the Collector.

XXIV. If the paper of partition be not delivered within the time fixed by the Collector, or within any further period to which the time may have been extended, the Collector may order that the partition shall be referred to another arbitrator or arbitrators, to be chosen in the same manner and subject to the same rules as the first.

XXV. If the partition of the estate cannot be made by the parties themselves or by arbitration under the foregoing rules, the Collector shall appoint an Officer to make the partition, and shall forward the whole of the papers to such Officer, and shall direct him to proceed to the estate, and to make the partition within a time to be fixed by the Collector.

XXVI. The Officer appointed to make the partition shall issue a proclamation at the Maal-Cutcherry of the estate, or other conspicuous place thereon, or at the village Chowrie or Choupal, requiring the several proprietors of the estate

to attend upon him in person, or by agent, during the time that the partition is being made.

XXVII. At the commencement of the revenue year current in the district, the Collector may direct the Officer appointed to make the partition, or some other person, to attach the estate, and to bring it under Khas management under the personal superintendence of such Officer. The collections of the estate, after defraying the expenses of management, and any other expenses with which the estate is chargeable, shall be applied to the payment of the Government revenue, and the residue shall be divided amongst the proprietors in proportion to their respective shares, at such periods as the Collector may see fit.

XXVIII. If an arrear of public revenue shall accrue on an estate ordered to be divided while the partition of the estate is being made, any one or more of the proprietors may tender to the Collector his or their quota of the balance, and the Collector shall receive the same, and credit the amount to the share or shares of such proprietor or proprietors. If a sale of any part of the estate shall ultimately become necessary for the liquidation of any part of such arrear which may remain due, only the share or shares of the proprietor or proprietors who shall not have contributed their quota of the balance shall be sold in the first instance, and the partition shall go on and be completed in the same manner as if no arrear of public revenue had accrued. The purchaser or purchasers of the share or shares sold shall be entitled to separate possession of the estate or estates which, under the partition, would have been allotted to the defaulting proprietor or proprietors. Provided always that, in all cases of a partition, the entire estate shall be considered responsible for the public revenue assessed upon it until the partition shall have been completed, and the several proprietors shall have been put into possession of the separate estates into which the estate may be ordered to be divided, according as the same may be allotted to them.

XXIX. If the Officer appointed to make the partition shall consider it necessary to assist him in making the same, to cause a detailed measurement to be made of all the lands comprised in the estate, or a map of the estate to be prepared, he shall exercise the same powers for making such measurement and map as are vested in the Collector by any law for the time being in force.

CHAPTER II.

XXX. When some of the lands forming the estates are held in common, the Collector shall declare, by a proceeding to be held under the provisions of this Act, the principle and rule under which, in accordance with the village custom, such lands shall be divided; and he shall cause the partition of such lands to be made in conformity to the provisions of this Act. The portion of the common land falling by such partition to the shares of the several co-sharers shall be added to the lands held by them in severalty, and the several estates thus formed shall be assessed and declared separate estates. Provided that it shall be in the discretion of the Collector to cause any transfer of lands agreed to by the parties to be made previous to such declaration, and the new estates shall be declared subject to the transfer so made.

XXXI. The Collector may refuse to declare any lands held in severalty, and not liable to re-distribution according to special village custom, a separate mehal, if the lands be so intermixed with other properties as to render the formation of a compact estate impossible, and if the parties affected by the partition decline to permit of the transfers necessary for curing such defect.

XXXII. Where there may be no lands held in common, the lands in severalty held by the applicant for partition, or assigned to him by the Collector under the provisions of this Act, shall be assessed and declared a separate estate. Provided that it shall be in the discretion of the Collector to cause any transfer of lands agreed to or directed by his order, as provided in Section 30, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

XXXIII. If any sharer, after the issue of the proclamation mentioned in Section 26 of this Act, shall fail to attend the Officer appointed to make the partition during the time the partition is being made, no objection taken by such sharer to the partition shall be heard, unless such sharer can show that his absence was not wilful, or unless for any good and sufficient reason it shall appear just and proper to allow him to be heard against the partition.

XXXIV. If, at any time after an order shall have been passed for making a partition, it shall appear, either from the report of the Officer appointed to make the partition, or from any other information, that the parties are not desirous that the partition should proceed, it shall be competent to the Collector,

with the sanction of the Commissioner, to stop the partition, and to strike the case off the file, recovering from the sharers all costs and expenses incurred up to that time.

XXXV. It shall be the duty of the Officer appointed to make the partition, so far as circumstances will admit, to take care that the estates into which the estate is divided shall consist of contiguous mehals or villages. Provided that if the estate ordered to be divided shall not consist of a sufficient number of villages to admit of one or more entire village or villages being included in each estate, the partition of the village or villages of which the estate shall consist shall be made so as to render each estate as compact as possible.

XXXVI. The public revenue shall be assessed on each estate into which the property shall be ordered to be divided, in conformity to the rules contained in any law for the time being in force.

XXXVII. In selecting the villages or lands to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads, railways, navigable rivers, or canals, the nature and quality of the soil and produce, the quantity of culturable and unculturable waste land, the depth at which water may be procurable, the number of tanks and wells, the state of the embankments and water-courses, and any other local circumstances affecting the present, or likely to influence the future, value of the lands, shall be duly considered, and the villages or lands to be included in each estate shall be fairly and impartially selected. So far as may be practicable and consistent with compactness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

XXXVIII. If a dwelling house-belonging to one sharer shall be situate on any land or in any village which it may be necessary to include in the share of another sharer, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay to the proprietor of the land or village in which the same is situate an equitable rent for the ground. The limits of the ground and the rent to be paid for it shall be fixed by the Officer making the partition, and shall be stated in the paper of partition.

XXXIX. Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of

CHAPTER II. which they were originally made. In cases in which, from the extent, situation, or construction of such works, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates into which the estate may be divided, the paper of partition shall specify, as far as circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

XL. Places of worship, which shall have been held in common previous to the partition of an estate, shall continue to be so held, unless the parties shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Officer making the partition shall enter a note of the agreement in the paper of partition.

XLI. When the Officer appointed to make the partition shall have completed the partition, and allotted the public revenue on each of the estates into which it is proposed that the estate shall be divided, he shall prepare and submit to the Collector a paper of partition showing how he proposes to divide the estate and to apportion the public revenue. This paper shall specify the names of the mehals or villages included in each separate estate, the gross produce of each mehal and village for the three years immediately preceding the year in which the partition is ordered to be made, the names of the parties to whom the several estates are allotted, and the proportion of the public revenue proposed to be assessed on each of such estates, with any remarks regarding the mode observed in selecting the lands included in each estate, and the accounts upon which the apportionment of the public revenue assessed thereon shall have been based, as may be necessary for the information of the Collector. The paper shall further contain a detail of the adjustments, if any, which shall have been made in respect to any tanks, places of worship, or other matters, as specified in the preceding sections. The Officer appointed to make the partition shall also submit a map showing the several estates into which the estate is proposed to be divided.

XLII. The Collector shall take into consideration the partition proposed by the Officer appointed to make the partition, and after calling for any further information which he shall deem necessary, and disposing of any objections which shall be taken to the partition and allotment of public revenue

as proposed by such Officer, he shall submit a report to the Commissioner, together with such of the papers of the case as shall appear to him essential. He shall also forward a list of the papers not sent. The Collector shall record his opinion whether the proposed partition should be confirmed or modified, and in the latter case he shall state the nature of the modification which in his opinion should be made.

XLIII. The Commissioner shall either uphold the partition proposed by the Collector or modify the same. The decision of the Commissioner shall not be open to revision by the Civil Court, but shall be subject to appeal to the Board of Revenue. The Commissioner, before coming to a decision, may call for any additional papers, or direct any further enquiry that he shall consider necessary. He may also, if he think proper, direct that, when two or more of the estates into which it is proposed to divide the estate shall consist of the same proportions of the entire estate, the parties entitled thereto shall draw lots for the same before the Collector.

XLIV. On the receipt of the order of the Commissioner, or if an appeal be preferred to the Board of Revenue, then, of the order passed on the appeal, the Collector shall cause the same to be published in his office, and in some conspicuous place in each of the estates separately constituted by such order. The Collector shall at the same time specify the date from which each of the estates shall be held to be a separate estate, and shall enter the several estates into which the estate has been divided in the register of estates paying revenue to Government. The Collector shall give the several proprietors possession of the estates allotted to them, and, if necessary, may avail himself of the assistance of the Magistrate in giving possession.

XLV. In order to prevent collusion or error in the distribution of the public revenue assessed upon an estate which may be ordered to be divided into two or more distinct estates, if it shall be proved to the satisfaction of the Government, within twelve years from and after the date of confirmation of the partition, that the public revenue was fraudulently or erroneously apportioned at the time of the partition, the Government shall have power to order a new allotment of the public revenue upon the several estates into which such estate may have been divided, conformably to the principles prescribed in this Act, on an estimate of the gross produce of each estate at the time of the partition, to be made agreeably to the best

CHAPTER II. evidence and information which may be procurable respecting the same. Such order shall not be liable to be contested in the Civil Court. The parties whose estates may be declared to have been under-assessed shall be required to pay to the proprietors of the estates which shall have been over-assessed the sum in which they shall be found to have been over-assessed, and in default of payment the amount shall be leviable by the process prescribed for the recovery of arrears of rent or revenue.

XLVI. If during the time an estate is under attachment with a view to the partition of the same, any party shall neglect or omit to claim by a suit any right or to the ownership or occupancy at a fixed rent of any land situated in such estate, or any other interest therein, such neglect or omission shall be a valid plea in bar of any suit relating to such right, title, or interest, unless the party can satisfy the Court that there was good and sufficient reason for this neglect or omission to institute the suit at or before such time. Provided that this section shall not bar any action for arrears of rent, or the enhancement or alteration of rent.

XLVII. Whenever any Court of Civil Judicature shall pass a decree awarding to any person the proprietary right in a portion of an estate paying revenue to Government, whether the portion so awarded shall consist of a fractional share in the whole or a part of the estate, or of specific lands, the decree-holder may apply to the Collector for a partition of the estate; and on the receipt of such application, the Collector shall proceed thereupon under the provisions of this Act, which are hereby declared applicable to such applications.

XLVIII. If two or more estates which may have originally formed portions of the same estate shall come into the possession of one person, such person shall be entitled to have such estates united, and to hold them as a single estate; or if two or more persons shall have separate possession of their respective shares of an estate which was originally held as a joint undivided estate, such persons may apply to have their shares united, and to hold them as one estate.

XLIX. The applications for the union of the estates, or of the shares of the estate, as the case may be, shall be made in writing to the Collector of the district in which the estates or shares of the estate are situate, and the Collector (provided he see no objection) shall comply with the application, and

cause the necessary entries to be made in the records of his office, reporting the case to the superior Revenue authorities.

L. The provisions of this Act, so far as they relate to the completion and confirmation or to the staying or quashing of the partition of an estate, may be applied, at the discretion of the Collector, in all cases of the partition of estates pending at the time of the passing of this Act.

LI. The provisions of this Act may, in so far as the same are applicable, be applied by order of the Local Government to the partition of any estate held free from the payment of Government revenue.

LII. In the performance of his duties under this Act, the Collector shall be subject to the general direction and control of the Commissioner of the division and the Board of Revenue.

LIII. All orders passed by a Collector under this Act unless otherwise provided, not being orders or decisions within the meaning of Section 9, shall be open to revision by the superior Revenue authorities.

LIV. The powers vested in a Collector by this Act may be exercised by a Deputy Collector or other Officer vested with the full powers of a Collector, subject to the control of the Collector of the District.

LV. In carrying out the provisions of this Act, the Collector shall exercise the powers decribed in Regulation II., 1819, Regulation VII., 1822, and Regulations IX. and XIV., 1825. Any Officer appointed to make a partition under this Act may also exercise the powers described in the foregoing Regulations, so far as the same may be applicable.

LVI. If in any case in which a Collector or other Officer shall exercise jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence, or of forgery, as defined in the Indian Penal Code, or of abetting any of those offences, such Collector or other Officer shall have the same powers in respect of such offence, and of the person charged with committing the same, as are vested by the Code of Criminal Procedure in a Civil Court when any such offence is committed before or against such Court, or when a document charged to be a forgery as given in evidence in any proceedings in such Court.

CHAPTER III.

LVII. In the execution of the duties vested in the Board of Revenue by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the Local Government, to whom they shall apply in all cases which shall appear to the Board not to have been provided for by the existing law.

LVIII. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

LIX. This Act shall extend only to such parts of the North-Western Provinces of the Presidency of Fort William in Bengal as are subject to the general regulations of that Presidency; but the Act may be extended by order of the Local Government, either wholly or in part, to any Non-Regulation Province under such Government.

CHAPTER III.—COLLECTIONS.

A.—Collections. | B.—Tuccavie.

A.—COLLECTIONS.

A. D. 1795.—REGULATION VI.:

A REGULATION PRESCRIBING THE PROCESS BY WHICH THE COLLECTOR AND THE TEHSEELDARS ARE TO REALIZE THE PUBLIC REVENUE PAYABLE FROM THE LANDS IN THE PROVINCE OF BENARES.

The following rules are prescribed for the guidance of the Collector and the Tehseeldars in realizing the public revenue payable from the lands:—

II. The Tehseeldars are to place shaenas, or watchmen, on the crops, at the expense of the parties to whom they may belong, and are not to allow them to be cut down or carried away, until the zemindar or farmer in the mushukhusy lands (lands for the payment of the revenue assessed on which a settlement has been concluded), or the ryots in the lands held amauny, shall have given security for the revenue payable therefrom on account of the year. If such security shall be given before the ripening of the first crops, the Tehseeldar is not to station watchmen over the crops, nor is any charge to be incurred on account of watchmen by the persons who may

be responsible for the revenue due from the lands. But where such security is not tendered, watchmen are to be stationed, and an allowance, the amount of which is to be regulated by the local custom, is to be made to them, and included in the deh khurch, or village charges, of which the accounts are kept by the Putwarees. To prevent all undue exactions under the head of Shaenagee, or allowance to shaenas, or watchmen, the Tehseeldar is to furnish each watchman with a dustuck, or writ, prescribing the duty he is to perform. On this dustuck, the Serishtadars (heretofore the Canoongoes) are to endorse the name of the watchman, the rate of allowance which, according to established custom, he is to receive, and from whom it is to be levied; and the Serishtadars, at the end of every month, are to transmit, under their official signature, a list of all such shaena dustucks as they shall have thus attested during the course thereof, together with the rates of shaenagee thereby allowed. The Collector is to revise these allowances, and may order them to be reduced whenever they shall appear to him exorbitant.

III. The Tehseeldars are not to issue a dustuck, or written demand, for the payment of any kist, or instalment, until it be due. Accordingly, in those places where by ancient custom the revenues are payable by two instalments in each month,—*viz.*, at the Amawus, or middle, and the Poornmaushy, or end of the month,—he is not to issue a dustuck for such kists before the expiration of the day of payment; and where the revenues are payable by monthly instalments, he is not to issue a dustuck for the instalment of any month before the elapse of it. But when any person shall have failed to pay in his kist before or on the date on which it may become due, the Tehseeldar is to issue a dustuck, and to cause it to be served on the party in arrear, who, until he shall have discharged the amount, is to pay to the peon employed in serving the dustuck, for the first three days, one anna per day, which rate shall afterwards be increased half an anna per day, until the kist be paid, or until the dustuck be withdrawn, as hereafter provided for. But the defaulter shall not be subject to any further charge for the khorack, or subsistence of the peon, or other account.

IV. Tehseeldars are strictly prohibited from employing muzkoory peons to serve the above-mentioned or any other dustucks. This duty shall be performed solely by peons entertained on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by

CHAPTER III. Government out of the tulubana or subsistence-money that may be levied from the persons on whom they may serve the dustucks. Every Tehcesldar is to report to the Collector the number and names of the peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments as may occur in this part of his establishment ; and the Collector is to furnish the Tehseeldars with a correspondent number of chuprasses, or badges, which such peons are to wear, and without which they are not to perform any official act. On each of these badges shall be inscribed in the Persian language, and in the Hindostanee language and Nagree character, " Chuprassee of the Tehseeldar of ————"(name of the mehal or district under the charge of the Tehseeldar in whose service the peon may be employed).

V. Every dustuck issued by a Tehseeldar for enforcing payment of a kist shall be attested by the Serishtadars officiating in the Tehseeldaree Cutcherry, who, on the eighth of each succeeding month, are to transmit to the Collector an attested list of all such dustucks as may have been thus issued ; and the peons, on their return with their dustucks, shall account to the Serishtadars for the tulubana collected by them in conformity to their dustucks, and, after retaining one moiety of the amount for their own subsistence, shall pay the other half to the Serishtadars, receiving from them regular receipts for the sums so paid. The peons are immediately to deliver these receipts into the dufter, or office, of the Tehseeldar, who, on the twentieth of every succeeding month, is to forward an attested list of them to the Collector. The Collector is to cause the list to be examined, and checked by the attested list of the dustucks issued, which he will have previously received from the Serishtadars, and to have entered monthly in the Moolky Treasury Accounts the neat realized amount of the reserved moiety of such tulubana, and to allow the Serishtadars to apply the same towards the discharge of so much of their monthly wages as may be payable from that Treasury.

VI. In consideration of the liberal rate of commission continued to the Tehseeldars, they are to be considered as responsible to Government for the regular realizing of the annual amount of the jumma assessed on the mushukhusy lands within their respective Tehseeldarees, the revenue of which is not paid huzoory, or immediately, to the Collector, as well as for the annually ascertained revenue funds of those lands that may remain amauny (which funds are to be ascertained

in the manner prescribed in Section 27, Regulation II., 1795), such responsibility on their parts being considered as rendering them liable to make good to Government, from their own property, whatever deficiencies in the collection of the said ascertained funds may be proved to have arisen either from their wilful neglect or inattention, or from direct embezzlement, to which purport engagements are to be taken from them by the Collector. The Tehseeldars are also declared liable to be removed from their offices by the Collector, with the sanction of the Board of Revenue, and to be prosecuted on the ground of their said engagements, either during the course or at the end of the year.

VII. The kists, or instalments, for each month receivable from the Tehseeldars and the huzoory malgoozars are to be paid between the first and the seventh of each succeeding month; and for all arrears not then paid, the Collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuck, or to send only a written notice by letter, or a verbal intimation, through the vakeels of the parties (who are always to be in attendance at his Cutcherry), to pay in their kists. But to those who shall not have paid the amount due from them by the fourteenth of the month, the Collector shall issue dustucks, under his seal and signature, and countersigned by the Dewan, on the fifteenth of the month, and the peons serving such dustucks shall be directed to bring the party or parties to whom they are addressed, without delay, to the Collector's Cutcherry, and also from the date of their dustuck to levy tulubana for the first three days at the rate of two annas per day, to be augmented at the rate of one anna per day until the kist be discharged, or until the dustuck be withdrawn, as hereafter provided for. Such dustucks and all other summonses of the Collector are to be served by the badge peons on his establishment of public Officers, hired at monthly wages, who shall be allowed to retain one anna per day for their subsistence out of the tulubana which they may levy. In cases, however, of unavoidable necessity, the Collector is permitted to employ muzkoory peons, who are to be allowed, out of the tulubana which they may collect, two annas per day for their subsistence. And on particular occasions, when, from the distance of situation, or the necessity for dispatch, the Collector shall deem it proper, instead of a peon, to employ a horseman (sowar) in the serving of any written demand for revenue, the tulubana to be collected by the horseman shall begin at the rate of four annas per day, and augment at the rate of two annas per day until the demand specified in the

CHAPTER III

dustuck be liquidated. The horseman shall be allowed to retain out of this tulubana four annas per day for his own maintenance and the subsistence of his horse; but no sowars are to be employed by the Collector in the serving of dustucks, excepting those who form part of his public establishment, and are entertained on monthly wages. All peons, whether employed on monthly wages, or those termed muzkoory, and also sowars, are to give security not to exact or receive under any pretence any sum or sums, or to accept of any subsistence for themselves or their horses, from any person or persons to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the Collector, on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account in the City Court, or either of the Zillah Courts.

VIII. The tulubana collected as above prescribed is to be accounted for at the end of every month by the Collector's Nazir, and the Jemadar of the sowars, to the Treasurer of the Moolky Treasury, and the said Nazir and Jemadar are then to pay in the amount thereof, according to an attested statement under the Collector's official seal and signature. This statement is to remain as a voucher in the said Treasury, from the gross receipts specified in which there is only to be deducted the subsistence-money allowed to the peons or horsemen, as authorized in the preceding section.

IX. When any huzoory malgoozar (whose privileges, and the mode of acquiring them, are explained in Regulation II., 1795) falls in arrears, the Collector may address his dustuck, or written demand for the kist, either to the defaulter himself, or to his malzamin, or security, or, if necessary, to both.

X. With respect to the lands the revenue assessed on which is not paid huzoory, or immediately, to the Collector, the Tehseeldar, at the expiration of the fifth day from the date of his dustucks having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, and subject to the same progressive rate of tulubana, to be served on their sureties, if they shall have given sureties; and when the revenue in demand, together with the tulubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuck being served upon them, or at the Tehseeldar's Cutcherry, to which the peons are to escort them, by such time (consistently with the period fixed in the ensuing section for their

being sent in to the Collector) as shall be specified by the Tehseeldar in the dustuck, such dustuck or dustucks, together with the peons serving the same, shall thereon be immediately withdrawn.

XI. The Tehseeldars are not to confine in jail, or put into stocks or irons, any persons, whether principals or sureties, who may be in arrears on account of the revenue; but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuck shall have been served on a principal, or by the fifth day after the dustuck issued on his surety, such party or parties are invariably to be sent, with a written report of the circumstances, to the Collector. In such instances, and also in similar cases of huzoory malgoozars or their sureties, on whom he may have sent a dustuck or written demand, and summoned in the first instance, the Collector, after enquiring into the circumstances, shall, within ten days after the arrival of such defaulter or defaulters at his Cutcherry (during which period of ten days he may either confine their persons or only keep over them the peons with whom they arrived), either discharge him or them, on his or their paying the amount in demand, or satisfying the Collector that he or they will make good such payment before the expiration of the current Hindoo month; or otherwise the Collector is to cause the party or parties in question, after the expiration of the ten days, to be conveyed to the public jail of the nearest Court of Dewanny Adawlut, and the Collector is to apply to the Court, by motion in writing, to be made in open Court (if the Court shall be sitting), through the Pleader of Government, for the confinement of the defaulter. If the Court shall not be sitting, the motion is to be presented to the Judge out of Court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon receipt of the motion, the Judge is immediately to order the defaulter to be confined in the jail of the Dewanny Adawlut, and detain him until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the Collector shall apply to the Court, by motion made as above directed, to have him released.

XII. To prevent proprietors or farmers of land withholding the payment of the public revenue, to derive the benefit of the use of the money, or otherwise applying it to their private purposes, the Board of Revenue are empowered, in every case in which it shall appear to them that a Talookdar, Zemin-

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XIII. If the crops in any estate or farm shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as to subject himself to be confined under Section 11, and the Collector shall be satisfied, from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the current month, as required in the said section, either from the collections on account of such year from his estate or farm, or from his private funds or property, or by a loan, he is directed to suspend the exercise of the powers vested in him by Section 11 for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter, and to wait for, and be guided by, the instructions which he may receive from them.

XIV. In all cases of the default or confinement of parties from whom revenue may be due, the Collector is to issue directions to the Tehseeldar of the district in which the lands of the defaulter may be situated to levy the public revenue, by realizing, in concert with the Serishtadars, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody.

XV. This sequestration of the profits of the party or parties in arrear is to extend also to the profits of all those of

the brethren or putteedars whose names may be inserted in the puttah of Government, and who shall have executed the corresponding cabooleat; without, however, infringing the rights of the inferior putteedars or sharers, or in talookas, of the dependant village zemindars or under-renters, or in any case, or under any description of tenure, of the common ryots, from whom the collections are to be made by the Tehseeldar, according to their engagements with the defaulter or defaulters; or, where no such engagements exist, according to the established rules and usages of the village or talooka; and in addition to the accounts to be kept by the Serishtadars, the defaulter may appoint a person to keep a counterpart of the accounts of the receipts and disbursements.

XVI. All complaints for any breach of the rules contained in the preceding sections, either by direct infraction of them, or by unnecessary severity in the execution of them, are declared cognizable in the City and Zillah Courts, to which any of the parties may apply at all times, either in person or by vakeel. In such cases, the Judge is to cause the Collector or Tehseeldar (according as the act complained of may have been done by the former or the latter) to be immediately served with a copy of the complaint, fixing a date, according to the distance of place, for the party complained against to deliver in his answer. On the receipt of such copy and notice, the Collector or Tehseeldar respectively, within the period limited in the notice, shall give in his answer to the Court, stating therein the amount in demand from the party or parties on whom the dustucks shall have been issued; and, if the said party or parties shall not thereon dispute the justice of the demand, the Judge shall stop all further proceedings in the cause. On the contrary if the plaintiff or plaintiffs, in their replication, or that of their vakeel, delivered into Court, shall not allow of the justice of the demand, and shall thereon tender to the Court sufficient malzaminy, or security, as well for the sum actually in demand, as for such further amount as may become due from the growing kists, during the trial, and condition to abide by such decree as the Court may pass, including all costs and charges, in case the plaintiff or plaintiffs be cast, the Judge shall issue a written precept, addressed to the Tehseeldar or Collector, (according as the former or the latter may be the defendant,) to withdraw the dustuck and peon from the plaintiff or plaintiffs in the cause. In conformity to the precept, the defendant shall withdraw his process on the party or parties complaining, and give in his answer, when, if no part of the claim shall be found to be due from the complainant, the Judge shall discharge him,

CHAPTER III. and decree such costs and damages against the Tehseeldar or the Collector as he may deem equitable upon a consideration of the circumstances of the case; and the damages so decreed shall be defrayed either by Government or the party prosecuted, according to the rules for such cases hereafter laid down in this Regulation. If only a part of the demand shall appear due, the Court is to discharge the prisoner upon his paying such part. In both cases, however, the Court, previous to releasing the prisoner, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the Tehseeldar or Collector, in consequence of orders from the Board of Revenue, or without their orders. If the Tehseeldar or Collector shall state to the Court that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the Provincial Court of appeal, the Judge shall release the person so confined, without taking such security.

XVII. *First*,—At the expiration of the year, if an arrear shall remain due from any Talookdar or Zemindar, or other actual proprietor of land, the Collector is to communicate the amount to the Board of Revenue, accompanied by a detailed account of the causes of the failure, when, as far as regards the lands of proprietors, if the deficiency shall clearly appear to have proceeded from his or their embezzlement, or misappropriation of the funds arising from the produce, and that there be no immediate prospect of the party or parties, or his or their sureties, making good the amount, the Board of Revenue (provided from the communications of the Collector it shall appear to them expedient so to do, and the Governor-General in Council shall approve of the measure) may authorize the Collector to transfer the rights of the defaulting landholder to such one or more of his putteedars, or sharers, as shall be able and willing, in consideration of such transfer, to pay up the balance due to Government. In such case, the defaulter is not to be entirely excluded, but is to retain, as an inferior putteedar, such a portion of neej-jote ground as, with the approbation of the Collector, the putteedars who may succeed him shall be willing to allow him to hold, at the established rate of rent, payable by the most inferior of the family putteedars of the same village or talooka; provided, however, that no putteedar in arrear on account of rent to the defaulter shall be allowed to take advantage of this option, which the Collector is successively to tender in preference to the others, in proportion to the greater or less interest they may severally possess in the estate, until one or more of them accept or they all decline it.

Second,—Where such transfer of a defaulter's rights to one or more of his puttedars, or sharers, shall not prove effectual in realizing the balance, or in cases where the deficiency cannot be proved to have arisen from embezzlement on the part of the landholder, but where the cause may not be of such a nature as to induce the Governor-General in Council to remit the amount, the Board of Revenue, with the sanction of the Governor-General in Council, may direct the Collector either to continue the defaulter in possession, on his engaging in such manner as shall be deemed satisfactory to pay up his balance with the future revenue, or sequester to the use of Government the ensuing year's profits of the defaulter, in the manner and under the restrictions specified in Section 15. The last-mentioned measure shall be adopted where there is a reasonable prospect of at least realizing thereby the assessment payable to Government in the ensuing years, and in such instances it shall be the duty of the Collector, in like manner as in all cases in which lands are held amauny, to acquire the fullest information, and to propose to the Board of Revenue such improvements of the jydaad, or funds, as may appear practicable, by making advances for tuccavee, gilandazee, the cutting down of jungles, or by the construction of embankments or water-courses, so as not only to prevent any diminution of the produce of the lands, but to improve and increase it.

Third,—The profits arising from the surplus collections over and above the former fixed jumma adjusted by the permanent settlement, after defraying the charges of improvement whilst Government think fit to leave the lands amauny, shall be appropriated entirely to the use of the public, in the cases of all defaulting proprietors who may be dispossessed under the preceding clause for embezzlement or misappropriation of the funds for the payment of the public revenue ; and such Zemindars shall not be reinstated until from their own means they shall have paid up or given satisfactory security for discharging the balance incurred, as well as to repay to Government the principal of the amount it shall have advanced for improving the estate. But in the other case stated in Clause 2nd, in which embezzlement shall not have been clearly proved against the defaulting landholders, the profits or surplus collections shall be set off against the arrears due from them, and they shall be entitled to reinstatement as soon as the arrears shall thus, or otherwise from their own funds, have been discharged, or when they shall deliver in satisfactory security for the amount, inclusive of the whole or the part of the charges of improvement incurred during their disposses-

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Fourth,—The rules in the preceding clauses of this section are to be understood with this reservation, that in all cases where Talookdars, Zemindars, or other land-owners shall be dispossessed for arrears of revenue, Government shall have the option of letting their lands on lease, either for a term or in perpetuity, to any person or persons, in case of the dispossessed proprietors omitting or refusing to resume the management of their lands, under the conditions that may be offered to them.

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XVIII. *First*,—Where arrears shall be due by farmers near the close of the year, the recovery of which, either through themselves or their sureties, shall not have been effected by its expiration, the Collector, with the sanction of the Board of Revenue, is to have recourse, in the first instance, to the ancient Zemindars of the village or talooka in question, who, on paying up the farmer's balance, either immediately, or on finding security to pay it by instalments in the course of the ensuing year, shall be reinstated in their zemindaree.

Second,—Where there are no ancient Zemindars, or where they decline to take on themselves the balance of the farmer, the latter may be continued, on his stipulating in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue ; or otherwise the farm is to be re-let in perpetuity, or for such term as Government may direct, to such other person or persons as, in consideration of such lease, shall immediately pay up or find satisfactory security for the removed farmer's balance, or the part of it the payment of which shall be required.

Third,—Where neither the ancient Zemindars shall be reinstated nor the farmer in arrear be continued, nor any new farmer undertake to discharge the balance incurred, or such part thereof as Government may require, the lands are to continue amauny, under the same kind of management and regard to their improvement as is directed in Clause 2 of the preceding section to be observed in respect to lands from which Zemindars shall have been dispossessed

Fourth,—The Board of Revenue, in all cases in which they may judge it advisable (in addition to such recourse as is authorized to be had on the surety), may recommend to the

Governor-General in Council the sale of the property of farmers in arrears, in conformity to the tenor of their engagements. CHAPTER III.

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XX. If a Tehseeldar shall issue the process prescribed in Sections 3 or 10 against any Zemindar, or other actual proprietor of land, or any farmer, or surety, for payment of the amount of the instalment in demand, or of any other sum or arrears of revenue due, and the party to whom such process may be addressed shall refuse to obey, or resist, or cause to be resisted, the peon deputed to serve such process, or abscond from the peon after he shall have served such process, or retire to any place, so that the process cannot be served on him, the Tehseeldar who may issue the writing is immediately to represent the case to the Collector, and to transmit a sooruthaul, or cicumstantial report of it, under the seal of the Kauzee, and the attestations of the Serishtadars; whereupon, if the party thus accused shall not intermediately have made his appearance at the Collector's Cutcherry, the Collector shall issue a summons to him, requiring him to repair to his Cutcherry for the explanation of his conduct, and for the payment of his kist, along with the two peons, or the single sowar, either of whom the Collector at his discretion may depute to serve this summons. Upon the arrival of the party at the Cutcherry of the Collector, the latter is to enquire into the circumstances of the case, and, as may appear to him proper on a consideration of them, either order the offender to be committed to temporary confinement for any term not exceeding ten days, or to exact sufficient hazir or fael-zaminy from him. If the non-attendance of the party, in the first instance, shall be found to have arisen from any misconduct in the Tehseeldar's peon who served the process, he is to be dismissed, and declared incapable of being again employed in any revenue capacity whatsoever, and accordingly no Tehseeldar shall afterwards employ him; and the Tehseeldar shall also be removed, in case the resistance of the party served with the process shall appear to the Collector to have arisen from the injustice of the demand of revenue made on him. Of all orders for the confinement or dismission of peons or Tehseeldars under this Regulation, the Collector is to make a separate monthly report to the Board of Revenue, who are thereon to issue such farther instructions for his guidance as they may think proper.

XXI. In all cases in which the Collector shall order any Zemindar or farmer to be confined, under the authority vested in him by Section 20, he shall cause a notice thereof, and

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of the date from which such imprisonment is to commence, to be made, through the Vakeel of Government, to the Judge of the Dewanny Adawlut within whose jurisdiction the lands of such Zemindar or farmer shall be situated; and such notices are to be filed of record in the Courts, to guard against any undue protraction of the term of such commitments.

XXII. If the party (being a Talookdar, Zemindar, or other actual proprietor of land) against whom the Collector shall have issued process at the instance of the Tehseeldar, as prescribed in Section 20, shall refuse to obey, or resist or avoid compliance with the requisition of the process; or if, in the first instance, the Collector shall have issued the process prescribed in Section 9 against any huzoory Zemindar, or other actual proprietor of land, on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the Collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector is immediately to represent the circumstances, through the Vakeel of Government, to the Dewanny Adawlut within the jurisdiction of which the lands on account whereof the arrears shall be due may be situated; and upon the peon or peons deputed to execute the process, or any two or more credible persons making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind, from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nagree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal Cutcherry in the estate on account of which the arrears may be due, and the office of the Collector, and the Court-room of the Dewanny Adawlut of the zillah; and in the meantime the Collector is to cause the rents and revenues of the estate of the defaulter to be realized on behalf of Government, in the manner specified in Sections 14 and 15.

XXIII. If the defaulter shall not surrender himself before the expiration of the period limited in the publication

directed to be made in Section 22; or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, and that which the Collector may adduce in support of his representation, it shall be proved to the satisfaction of the Court that the defaulter is guilty of the charge, the Court is to decree the proprietary right of the defaulter, and his heirs, in the estate on account of which the arrears may be due, forfeited to Government. If the defaulter shall not appeal from the decree to the Provincial Court of appeal within the time limited for preferring appeals to that Court in Section 12, Regulation V., 1793, the Court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provicial Court of appeal within the prescribed time, and the Court shall confirm the decision of the City or Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that Court in Section 10, Regulation VI., 1793, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the City or Zillah Court, to the Governor-General in Council. If an appeal shall be received from the decision of the Provincial Court of appeal, and the Sudder Dewanny Adawlut should confirm the decree of the Provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. If the Judge of the City or Zillah Court shall decree the charged not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections 9 and 20, or either of them, had been duly served upon him, and he had obeyed it; and the Collector is immediately to obtain from the Court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court should reverse the decision of the City or Zillah Court, and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny Adawlut; or if it shall be appealable, and an appeal should not be preferred within the limited time, the Provincial Court is

CHAPTER III. immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If the Judge of the City or Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the City or Zillah Court, and Provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the Court should reverse the decision of the Provincial Court, and declare the proprietary right in the estate forfeited, the Court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the Provincial Court of appeal under this section an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned Court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculated according to the amount paid or payable by the puttedars, distinct or common, under-farmers, and ryots, to the defaulter, on account of the year in which the decision of the City or Zillah Court may be passed, shall exceed one thousand sicca rupees; and the Collector is enjoined to insert generally in the representation which he is directed to make to the Dewanny Adawlut of the city or zillah in Section 22, whether the produce of the estate on account of the year above mentioned, according to the best information he may have been able to obtain, exceeds or falls short of one thousand sicca rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period, and the Collector shall have stated the produce of the estate to be under one thousand sicca rupees, and the defaulter shall not deny the truth of the Collector's statement in his answer to the charge, and the cause should be afterwards brought before the Provincial Court of appeal, an appeal shall not lie from the decision of that Court to the Sudder Dewanny Adawlut. If the Collector shall represent that the produce of the estate for the year before mentioned exceeds or falls short of one thousand sicca rupees, and the defaulter should appear within the

limited time, and in his answer to the charge object to the statement, the Judge is to try the objections, and pass such decision upon them as may appear to him equitable. If the cause should be afterwards brought before the Provincial Court of appeal, and no objection be offered by either party to the decision of the City or Zillah Court, on the Collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the Provincial Court is to try the objections, and pass such decision upon them as may appear to it equitable. If an appeal from the decree of the Provincial Court should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the produce of the estate for the year before mentioned exceeding or falling short of one thousand sicca rupees, the Court of Sudder Dewanny Adawlut is to examine the decisions passed by the Dewanny Adawlut of the city or zillah, and the Provincial Court of appeal, respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable. Decrees that may be passed under this section by the Dewanny Adawlut of any city or zillah, or the Provincial Court of appeal or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution in any case whatever, without an order from the Governor-General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor-General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in an estate forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the Court which shall have transmitted the decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it, by the same process by which they are directed to enforce decrees of the Court, and to pay the amount to the Collector. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture for a fine, the decree is to stand good against the defaulter. The process which a Collector may institute against a defaulter in the Court of Dewanny

CHAPTER III. Adawlut of the city or zillah under this section, as well as the prosecution or defence of any appeal from the decision of such Court which may be preferred to the Provincial Court of appeal, or from the decree of the Provincial Court, to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the Vakeel of Government, whom the Collector is to furnish with the necessary instructions.

XXIV. If the defaulter mentioned in Section 22 shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received from it during the sequestration; and if it shall exceed the public revenue that was due from the estate, the expenses attending the sequestration, and the fine which may be imposed on the defaulter, the overplus is to be returned to him. If the sum received through the Officers of Government appointed to make the collections during the sequestration shall be inadequate to the payment of the several demands above mentioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

XXV. If the decree adjudging the proprietary right in the estate of the defaulter forfeited shall be confirmed under Section 23, it shall be at the option of the Governor-General in Council either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it, or to dispose of it at public sale, subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released, if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expense attending the deputation of the Ameen or other native officer appointed to make the collections, or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of sale, or if any such demand should be due, and the proceeds shall exceed the amount of it, the whole of the proceeds in the first-mentioned case, and the overplus in the second, is to be carried to the public account, or applied in in any other manner that the Governor-General in Council may direct.

XXVI. If the party (being a farmer) against whom the Collector shall have issued his process at the instance of the Tehseeldar, as prescribed in Section 20, shall refuse to obey, or resist or avoid compliance with the requisition of the process; or if, in the first instance, the Collector shall have issued the process prescribed in Section 9 against any huzoory farmer on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the Collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector is immediately to represent the circumstances through the Vakeel of Government to the Dewanny Adawlut of the city or zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the peon or peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind, from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nagree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal Cutcherry in the farm, and in the office of the Collector and the Court-room of the Dewanny Adawlut; and in the meantime the Collector is to cause the rents and revenues of the farm of the defaulter to be realized on behalf of Government, as prescribed in Sections 14 and 15. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answers to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the Court that the defaulter is guilty of the charge, the Court shall decree the lease of the farmer annulled from the expiration of the Fuslee year in which the decree may be passed. If the defaulter shall not appeal to the Provincial Court of appeal within the time limited for preferring appeals to that Court in

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Section 12, Regulation V., 1793, the Court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of appeal within the prescribed time, and that Court shall confirm the decision of the City or Zillah Court, or if the cause shall not be appealable, to the Sudder Dewanny Adawlut, or if it shall be appealable and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that Court, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If an appeal shall be received from the decision of the Provincial Court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the Provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. If the Judge of the City or Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Sections 9 and 20, or either of them, had been duly served upon him, and he had obeyed it; and the Collector is immediately to obtain from the Court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court should reverse the decision of the City or Zillah Court and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut; or if it shall be appealable, and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If the Judge of the City or Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the City or Zillah Court, and the Provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they may think proper. If the

cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that Court should reverse the decision of the Provincial Court and adjudge the lease annulled, the Court is immediately to transmit a copy of the decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the Provincial Court of appeal under this section an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned Court, unless the jumma paid or payable to Government by the defaulter on account of the year in which the decree of the City or Zillah Court may be passed shall exceed one thousand sicca rupees, and the Collector is enjoined to state generally in the representation which he is above directed to make to the City or Zillah Court whether the jumma paid or payable by the defaulter in such year exceeds or is less than one thousand rupees, but without specifying the exact amount of it; and the rules prescribed in Section 23 regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the Collector is therein directed to present to the City or Zillah Court, are to be held applicable to the statement of the jumma payable by defaulting farmers required to be submitted by the Collector in this section. Decrees that may be passed under this section by the Dewanny Adawlut of the city or any zillah, or the Provincial Court of appeal, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution in any case whatever, without an order from the Governor-General in Council confirming the decree. It shall be at the option of the Governor-General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements, until the term of them shall expire. If a fine shall be imposed on the defaulter, the Court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce

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XXVII. If the lease of the defaulter mentioned in Section 26 shall be annulled, he shall receive credit for the collections made by the Officers of Government, after deducting the charges incurred which may be admitted, and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the Collector is to serve the surety with the written demand for the amount, requiring it to be paid at the treasury of the Collectorship within a certain number of days after the day on which the writing may be served by the peon to be deputed for that purpose; and in the event of its not being discharged by the time limited in the writing, the Collector is to proceed against the surety, and the defaulter also, if he shall be forthcoming, and should not have been previously confined, in the manner in which he is directed to proceed in Section 11 against defaulters in arrear on account of revenue. If there shall be a surplus after discharging all the demands above mentioned, it is to be paid to the defaulter, who shall be at liberty to prosecute in the City or Zillah Court the Talookdars, Zemindars, Putteedars, distinct and common, and the under-farmers and ryots in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him on account of the period during which his lease remained in force.

XXVIII. If the party (being a surety) against whom the Collector shall have issued his process at the instance of the Tehseeldar, as prescribed in Section 20, shall refuse to obey, or resist or avoid compliance with the requisition of the process, or if in the first instance the Collector shall have issued the

process prescribed in Section 9 against the surety of any proprietor or farmer of land, and such defaulting surety shall refuse to obey, or resist, or cause to be resisted, the peons thus deputed by the Collector, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector is thereon immediately to represent the circumstances through the Vakeel of Government to the Dewanny Adawlut of the city or zillah in the jurisdiction of which the lands on account whereof the arrears shall be due may be situated; and upon the peon or peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind, from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostance language and Nagree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, and in the principal Cutcherry in the estate or farm, the office of the Collector, and the Court-room of the Dewanny Adawlut. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the Court that the defaulter is guilty of the charge, the Court shall adjudge him to pay a fine according to the nature of the offence and his situation and circumstances in life. If the defaulter shall not appeal to the Provincial Court of appeal within the time limited for preferring appeals to that Court in Section 12, Regulation V., 1793, the Court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial Court of appeal within the prescribed time, and that Court should confirm the decision of the City or Zillah Court, or if the case shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for prefer-

CHAPTER III. ring appeals to that Court in Section 10, Regulation VI., 1793, the Provincial Court of appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If an appeal shall be received from the decision of the Provincial Court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the Provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. If the Judge of the City or Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections 9 and 20, or either of them, had been duly served upon him, and he had obeyed it; and the Collector is immediately to obtain from the Court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If that Board should order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court of appeal should reverse the decision of the City or Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it should be appealable, and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If the Judge of the City or Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the City or Zillah Court, and the Provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that Court should reverse the decision of the Provincial Court, and confirm that of the City or Zillah Court, the Sudder Dewanny Adawlut is immediately to transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the Provincial Court, to the Governor-General in Council. And that no doubt may be entertained from what decrees passed by the Provincial Court of appeal

under this section an appeal shall lie to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned Court unless the fine adjudged to be paid by the defaulter shall exceed one thousand sicca rupees. Decrees that may be passed under this section by the Dewanny Adawlut of the city or any zillah, or the Provincial Court of appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution in any case what ever without an order from the Governor-General in Council confirming the decree. It shall be at the option of the Governor-General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to alleviate the fine. The Court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it by the same process by which it is directed to enforce decrees of the Court, and to pay the amount to the Collector. But if the Governor-General in Council, within four weeks after the decree shall have been received by him, shall not either order it to be executed, or alleviate the fine, the decree shall stand good against the defaulter, and the Court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed. The process which the Collector may institute in the Dewanny Adawlut of the city or zillah under this section, as well as the appeals that may be preferred from the City or Zillah Court to the Provincial Court of appeal, and from the decision of that Court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, are to be defended or carried on by the Vakeel of Government, and at the public expense.

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XXX. When a Collector shall proceed to confine the surety of any proprietor or farmer of land in the cases authorized in this Regulation, he is immediately to cause such portion of the surety's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in Sections 14 and 15 for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property within the Province of Benares, but shall possess lands in either of the Provinces of Bengal, Behar, or Orissa, the Collector is

CHAPTER III. to depute an Ameen into the zillah in which such property may be situated, with a letter specifying the amount of the demand on him and the property to be attached. The Collector of such zillah is immediately to order a peon to point out the property to the Ameen, who is to keep it in attachment until the Board of Revenue shall have obtained the sanction of the Governor-General in Council for the sale of it. The Ameen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the Collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made. If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expense of an Ameen, the Collector to whom the money due from the surety may be payable is to apply to the Collector of the zillah in which the lands may be situated, to order the nearest Tehseeldar or Native Officer employed under him in the business of the collections to take charge of the lands, and the Collector to whom the application shall be made is to comply with it; and the Tehseeldar or Native Officer to whose charge he may commit the lands is to perform the duties prescribed to the Ameen in Section 6, Regulation XIV., 1793, and under the same restrictions and penalties. The Collector of the zillah in which the lands may be situated is not to be liable to any prosecution on account of the attachment, but the Collector in conformity to whose application the attachment may take place is to be responsible for the consequences, in the same manner as if the lands had been situated in his own jurisdiction. The Board of Revenue are to apply to the Governor-General in Council for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached, or after the close of it, as they may deem advisable.

XXXI. When lands are ordered to be sold under this Regulation, the Collector (unless the lands shall have been previously committed to the charge of a Tehseeldar or other Native Officer, in which case such Officer is to perform the duties hereafter specified in this section) is immediately to issue instructions to the Tehseeldar of the pergunnah to hold the lands in attachment, collect the rents and revenues under the rules and restrictions prescribed regarding lands under

attachment in Section 15, and to prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold.

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XXXV. Any person confined for arrears of revenue or other demands of Government under this Regulation, either pursuant to a judicial decree or without such decree, is to be at liberty to apply to the Judge of the Court of Dewanny Adawlut of the city or zillah to require the Collector to show cause why he is continued in confinement. If the person making such application shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the City or a Zillah Court, or the Provincial Court of appeal, and the time prescribed for appealing from the decision shall have elapsed, the Judge is not to enter into the merits of the case, but only to enquire whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the Collector is empowered by this Regulation to observe before conveying persons to jail for claims of Government, and he shall dispute the justness of the demand, the Judge is not to enquire into the merits of the case, unless the party should renew his complaint after the expiration of the period during which the Collector, by the discretionary power vested in him by Section 11, is authorized to confine parties in arrear, which rule is hereby extended to demands on sureties and purchasers of land, as far as it can be applied to them. If, however, the prisoner shall admit the justness of the demand for whichhe was confined, as well as any other claims that may be made upon him for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, or otherwise apply to the Court under Section 16, the Judge is to proceed to enquire into the merits of the case. Upon examination of the prisoner's accounts of his payments, if it shall appear to the Judge that the demands for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the Collector may state to be still due from him, in the event of the cause being appealed, and the sum being awarded in favor of Government. If the Collector shall not object to the adjustment of accounts made by the Court, or if he shall object to them, and the person confined

CHAPTER III. shall omit to give the security above requird, and the Collector shall not appeal within the time limited for preferring appeals, the Judge is to release the prisoner without taking any security. If it shall be found that the whole or a part of the sum for which such person may be in confinement remains undischarged, and he shall acquiesce in the adjustment of accounts made by the Court, and shall have been confined on account of such demand for a term exceeding one year, the Judge is empowered to release him, upon his giving good security to pay the sum remaining due from him by instalments during the course of one year after his release. The Collector and the prisoner are to be allowed to appeal from the decision which may be passed by the Court under Section 16 and this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals. The rules prescribed to the Collector in the following section respecting the decisions therein specified are to be considered applicable to all decisions passed under Section 16 and this section.

XXXVI. Upon a decision being passed in the Dewanny Adawlut, by which the whole or any part of a sum of money that may have been demanded or actually received by the Collector as an arrear of revenue under this Regulation, from any proprietor or farmer of land, shall be adjudged not to be due, the Collector is to apply immediately to the Court through his own Vakeel for a copy of the proceedings and decree. The Court is to order copies of the proceedings and decree to be delivered to the Collector with all practicable despatch. The Collector is to forward the papers without delay to the Board of Revenue, with a letter stating his objection to the decree. If the Board shall be of opinion that the decision is not well founded, they are to authorize the Collector to appeal the cause to the Provincial Court of appeal. If that Court shall confirm the decision of the City or Zillah Court, the Collector is to apply for, and the Court is to grant, a copy of their proceedings in appeal, exclusive of the decree and proceedings received form the City or Zillah Court. The Collector is to forward the decree and proceedings of the Provincial Court to the Board of Revenue, with a letter containing his objections to the decree of that Court. If the Board shall be dissatisfied with the decision of the Provincial Court of appeal, and the cause shall be appealable to the Sudder Dewanny Adawlut, they are to direct the Collector to prefer an appeal to that Court. If the Board of Revenue are satisfied with the decision of the Provincial Court of appeal, they are to direct the Collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in

which the Board of Revenue may order the Collector to prefer an appeal to the Provincial Court, the Collector is to be indemnified by Government for all costs and damages that may have been awarded against him by the City or Zillah Court. On the other hand, if the Board of Revenue shall deem the decision of the City or Zillah Court equitable, and not direct an appeal, the Collector is to defray all the costs and damages that may have been awarded against him in that Court. The Collector is nevertheless to be at liberty to appeal the cause, but at the risk of paying all costs and damages that may be adjudged against him in appeal in the event of his being ultimately cast. Appeals in which the Collector may be engaged, either in the Provincial Court of appeal or the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the Vakeel of Government, and at the public expense.

XXXVII. If a Collector shall be prosecuted under Section 16, and the prosecutor shall be cast, or be dissatisfied with the decision of the Judge of the Dewanny Adawlut of the city or zillah, and appeal to the Provincial Court of appeal, the Collector is to appoint one of the Vakeels of the Court to plead the cause. If the decree of the City or Zillah Court shall be confirmed, or the appellant should be dissatisfied with the decision of the Provincial Court of appeal, and appeal to the Sudder Dewanny Adawlut, and an appeal shall be admitted, the Collector is to appoint one of the Pleaders in that Court to defend the suit. If the Provincial Court of appeal shall not confirm the decision of the City or Zillah Court, the Collector is to apply to the Provincial Court for a copy of the proceedings and decree of the City or Zillah Court, and of their proceedings and decree in the appeal. The Courts are to furnish the Collector with these papers with all practicable despatch, and the Collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the Provincial Court is not well founded, they are to authorize the Collector to appeal to the Sudder Dewanny Adawlut. If the Board shall see no ground for appealing from the decision of the Provincial Court of appeal, the Collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expenses which may be awarded against him by that Court in the event of his being cast. All appeals that may be preferred by the Collector to the Provincial Court of appeal, or to the Sudder Dewanny Adawlut, or in which he may be respondent, under

CHAPTER III. this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expense, and conducted by the Vakeel of Government, who is to be furnished with the necessary instructions for that purpose by the Collector.

XXXVIII. In every case in which a Collector may be prosecuted in the Dewanny Adawlut of the city or any zillah under this Regulation for sums demanded or received by him on behalf of Government from any proprietor or farmer of land, or from any surety, or from any purchaser of land, or for any sums demanded, or received, or taken by him, directly or indirectly, for his own use, from any of the above-mentioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized Vakeels of the Court before which the suit may be brought to plead the cause.

XXXIX. In prosecutions that may be instituted in the Dewanny Adawlut of the city or any zillah against the Collector of the province for sums of money demanded, or directly or indirectly received, or taken by him, for his own use, from any proprietor or farmer of land, or any surety, or any purchaser of land, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of Government in conformity to this Regulation (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this Regulation), the Collector is not to forward the decree and proceedings to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature between the Collector and the prosecutor, and the Collector is to defend it at his own risk and expense, in the same manner as individuals amenable to the Courts and not employed by Government are required to defend suits instituted against them.

XL. The Collector is not to derive any pecuniary advantage whatever from suits that he may institute or which may be preferred against him in any of the Courts of Justice in his official capacity, with the exception of suits in which he may be engaged under the preceding section, the sums awarded to

him in which he is to apply to his own use. On the other hand, it is not intended that the Collector should sustain any loss in levying the dues of Government in cases in which his conduct may be adjudged by a final judicial decree to be conformable to this Regulation. The Collector is accordingly to bring to the credit of Government in his monthly accounts all sums whatever (with the exception above specified) that may be adjudged to him as costs or damages by any of the Courts of Civil Justice; and he is to insert at the foot of his monthly accounts, or in a separate account, or in his monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which he may disburse in conformity to this Regulation on account of process or suits directed to be carried on by the Vakeel of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits the costs and damages in which may be ultimately defrayable by Government, but for which the Collector is directed to be held responsible in the first instance. But he is in no case to charge these disbursements in his accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the Collector is to be held answerable for the disbursements.

XLI. If a Collector shall have been compelled to pay costs or damages in any suit under this Regulation, and upon his stating the case to the Board of Revenue it shall appear to them, upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the Board are to transmit the case to the Governor-General in Council, who will determine whether the Collector shall be made responsible for such costs or damages, or not.

XLII. Security is not to be demanded from the Collector for his personal appearance in any suit in which he may be engaged under this Regulation. Nor shall any security be required from him for the payment of the costs, or for the performance of the decrees or orders of the Court, in suits which are directed by this Regulation to be carried on by the Vakeel of Government, and at the public expense. In suits for sums demanded or received by the Collector on behalf of Government for the costs and damages in which he is declared eventually responsible, the Courts are to require the same security from the Collector for the payment of the costs and damages as would be taken in similar cases from individual suitors; but they are not to require any security from him for the performance of their decrees, respecting the sums which may consti-

CHAPTER III. tute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section 39 which may be instituted against the Collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the Courts, as would be required from individual suitors in similar cases. If a Collector shall refuse or omit to pay within the limited period any sum of money that may be ordered to be levied from him, either on account of the suits described in Section 39, or as costs or damages in any other suits for the expenses incurred in which he is declared eventually responsible, the Court is to levy the amount from his surety by the customary process. If the Court shall not be able to obtain payment from his surety, the Judge is to report the circumstances to the Governor-General in Council, who will order the amount to be paid from the public treasury, and deduct it from the allowances which may be receivable by the Collector from Government. In all other cases, if a Collector shall omit or refuse to obey any order or decree of a Court of Judicature, the Court from which the process shall have issued is to fine him according to the nature of the offence. In the event of the Collector refusing or omitting to pay the fine, the Court is to report the circumstances to the Governor-General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such Collector from Government.

XLIII. . The Board of Revenue are to issue such instructions as they may think advisable to the Collector regarding the mode of inserting in his monthly accounts the sums which may be paid to him as costs and damages in consequence of the orders or decrees of any of the Courts of Civil Judicature, or noting at the foot of his accounts, or charging under a separate head in his monthly accounts, the sums which he may disburse as costs or damages which are expressly directed to be defrayed by Government, whatever may be the final decision in the cause, or that may be ultimately defrayable by Government, although in the first instance the Collector is to be held responsible for them, and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the Courts may adjudge to be repaid from the public treasury, or not to be due to the public.

XLIV. When any process or order shall be issued by any of the Courts of Civil Judicature to the Collector in suits

instituted under this Regulation, the Register of the Court immediately serving the process or order is to transmit it under a cover sealed in the form of a letter, and superscribed with his name and official appellation, and addressed to the Collector. The Collector is to acknowledge the receipt of the process or order on the day on which he may receive it, by a letter addressed to the Register of the Court by which it may have been served.

XLV. To facilitate the communication between the Collector and the Vakeels in the Provincial Court of appeal and the Sudder Dewanny Adawlut who may be entrusted with the conduct of any appeals (including appeals from decisions in the suits described in Section 39) in which the Collector may be engaged under this Regulation, either whilst he may continue in the office of Collector of the district in which the suits may have arisen, or after his removal from the office, the Collector is permitted to forward, free of postage, any instructions regarding such appeals which he may have to transmit to the Vakeels of those Courts. The instructions are to be enclosed under cover, sealed, and directed to the Vakeel. The instructions so sealed and directed are to be transmitted under a sealed cover addressed to the Register of the Court in which the cause may be depending, and superscribed with the name and the official appellation of the Collector, or that which he bore when the cause of action arose. The Register of the Court, immediately upon receiving the instructions, is to deliver them sealed to the Vakeel to whom they may be directed. Any person who may be removed from the office of Collector of the province, and who may have a suit or suits depending in the Dewanny Adawlut of the city, or any zillah, after his removal from the office, is likewise empowered to forward instructions to his Vakeel respecting such suit or suits, through the Register of the Court. In like manner, the Vakeels in any of the Courts to whom the pleading of suits may be committed under this Regulation by persons holding the office of Collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers by the public dâk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the Vakeel, and the Register of the Court is to transmit the papers so sealed in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.

XLVI. Arrears of tuccavee, or any money advanced by Government to proprietors or farmers of land, for making or

CHAPTER III. repairing embankments, reservoirs, or water-courses, or other improvements to their estates or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions, as far as they may be applicable.

XLVII. No Collector is to be liable to prosecution for any official acts of his predecessor ; but persons who may be removed from the office of Collector of the revenue of the province are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in Section 39 in which they may be engaged, and all suits preferred against them in the City or any Zillah Court for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually answerable, as well as all suits, being appeals from decisions in suits of the last-mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue.

XLVIII. If the Collector of the Province of Benares shall die or be removed from his office, his successor is to carry on all unfinished process or suits in the Courts of Dewanny Adawlut directed by this Regulation to be conducted by the Vakeel of Government, and at the public expense ; and all appeals from the decrees of the City Court or the Zillah Courts, or the Provincial Court of appeal in such cases, as also all appeals from the decrees of the City and Zillah Courts, or the Provincial Court of appeal, in which the former Collector may have been engaged, in consequence of orders from the Board of Revenue, and which are directed to be pleaded by the Vakeel of Government, and at the public expense.

XLIX. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor-General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any appeal in the Sudder Dewanny Adawlut which a Collector may prefer or be engaged in pursuant to their orders, instead of leaving the superintendence of the appeal to him.

L. If the lands subject to the payment of revenue to Government belonging to any defaulting proprietor or farmer of land, or any surety or purchaser of land, which may be sold under this Regulation, shall not produce a sum sufficient for

the liquidation of the public demand, any other real or personal property which the defaulter may possess is to be attached and sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to Government are directed to be sold, as far as those rules may be applicable to such property And if any property shall be attached and ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or otherwise, he is nevertheless to be held responsible for all expenses that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place; and in the event of his omitting to discharge the amount, it is to be levied by the same process as the demand for which the property originally ordered to be sold may have been directed to be levied.

LI. If a proprietor or farmer, or a surety or a purchaser of land, shall deem himself aggrieved under this Regulation by any act which may be done by the Collector in conformity to special orders from the Governor-General in Council or the Board of Revenue, or if the Collector shall demand a sum of money under this Regulation on behalf of Government from any of the above-mentioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the Collector may make the demand, but deny their validity, or have any objections to make to them, either wholly or in part, under any Regulation passed by the Governor-General in Council, and printed and published in the manner prescribed in Regulation XLI., 1793, the Collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid until they are set aside or altered by a final judicial decision; and the proprietor or farmer of land, or surety or purchaser of land, is to discharge the demands that may be made upon him by the Collector under such engagements or stipulations until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety or purchaser, is to present a petition to the Judge of the Dewanny Adawlut of the city or zillah in which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor-General in Council will order the Dewanny Adwalut of the city or zillah to try the points or matters contested under the Regulations. The Judge to whom the peti-

CHAPTER III. tion may be presented is to forward it immediately to the Governor-General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the Courts of Justice shall be competent to try the cause, will direct the Court in which it may be cognizable to proceed to the trial of it. If the Governor-General in Council shall order the cause to be tried, the Judge of the Court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the Court from the date of the notification. The Court is then to proceed to try the suit under the same rules and regulations as are prescribed for the trial of suits between individuals. The Collector is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this section, and to issue the necessary instructions to the Vakeel of Government in the City or Zillah Court, and in the Provincial Court of appeal, or the Sudder Dewanny Adawlut, should the cause be appealed to the formeror both of those Courts. In the event of Government being cast in the City or Zillah Court, or in the Provincial Court of appeal, the Collector is to send copies of the decree and proceedings of the Court (which are to be delivered by the Court to the Collector as soon as may be practicable, upon his applying for them), with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor-General in Council, who will order an appeal to be preferred from the decision, or not, as he may deem advisable. All costs and damages that may be awarded against Government in suits instituted under this section are to be defrayed from the public treasury.

LII. The rules respecting the Collector contained in this Regulation are to be considered equally applicable to the Assistant to the Collector, or any other person who may be appointed by the Governor-General in Council to officiate as Collector, during the temporary absence of the Collector, or whilst the office may be vacant.

LIII. No part of this Regulation is to be construed to authorize the confinement of the person of any joint proprietor of an estate committed to the charge of a manager (as is now the case with certain estates in the Pergunnah of Kerenda) whilst such manager remains responsible, nor to empower the Collector to take a female proprietor of land into custody, or order any such proprietor to attend him in person, under any pretext whatever.

A. D. 1800.—REGULATION V.:

A REGULATION FOR EXTENDING TO THE PROVINCE OF BENARES THE RULES CONTAINED IN REGULATION VII., 1799, FOR ENABLING PROPRIETORS AND FARMERS OF LAND TO REALIZE THEIR RENTS WITH GREATER PUNCTUALITY; AS WELL AS SUCH OTHER PARTS OF THE ABOVE REGULATION AS ARE APPLICABLE TO THE PROVINCE OF BENARES.

THE rules contained in Regulation VII., 1799, for enabling proprietors and farmers of land to realize their rents with punctuality in the Provinces of Bengal, Behar, and Orissa, being equally applicable to the Province of Benares; as well as the provisions in that Regulation respecting public sales of land for arrears of revenue, when such sales may be ordered by the Governor-General in Council under Sections 17, 18 and 19, Regulation VI., 1795, for the extension of the above rules and provisions, with such other parts of Regulation VII., 1799, as are consistent with the rules prescribed in Regulation VI., 1795, for collecting the land revenue in the Province of Benares; the Governor-General in Council has enacted the following Regulation, to be in force from the date of its promulgation in the province above mentioned.

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XXII. By Section 14, Regulation VI., 1795, it is prescribed that, "in all cases of the default or confinement of parties from whom revenue may be due, the Collector is to issue directions to the Tehseeldar of the district in which the lands of the defaulter may be situated to levy the public revenue, by realizing, in concert with the Serishtadars, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody." It is further hereby enacted that, whenever a proprietor or farmer of land may subject himself to confinement, and his estate or farm to attachment, for arrears of revenue under the provisions contained in Regulation VI., 1795, but if the Collector shall be of opinion that, instead of confining the person of the defaulter and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter and his surety according to the prescribed process in Regulation XLV., 1795, and the preceding sections of this Regulation, whereby landholders and farmers are authorized to recover arrears of rent from their under-tenants by distraining and selling the personal property

CHAPTER III. of the latter ; or if in any case, notwithstanding the confinement of a defaulting proprietor or farmer, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property from which the same can be made good, the Collector may, in all such cases, direct the Tehseeldar of the district in which the personal property of the defaulter and his surety may be forthcoming, or, if it be a huzoory mehal, any Officer whom he may think proper to appoint for the purpose, to cause the personal property of the defaulter and his surety to be distrained and sold as far as necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the Regulations with regard to the distress and sale of the personal property of under-tenants for the recovery of arrears of rent due from them to proprietors and farmers. The Collector also, in all cases wherein he may judge it expedient, is empowered to vest the Tehseeldars with discretionary authority to proceed against defaulters within their respective tehseeldarees by the established process of distress and sale, without waiting for his previous sanction ; but in such cases the Tehseeldars will be held personally answerable if the amount for which the distress may be levied is found not to have been justly due ; and in all cases wherein property may be distrained and brought to sale by the Tehseeldars, they will be held responsible for any wilful deviation from the Regulations as prescribed with regard to the agents of landholders and farmers in Section 2 of this Regulation.

XXIII. Whenever the estates of defaulting proprietors or the farms of defaulting farmers may be attached under Sections 14 and 15, Regulation VI., 1795, if the arrear due, with any further arrear that may become due from the same proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current Fuslee year, together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it. Moreover, the liberty given by Section 16, Regulation VI., 1795, to prosecute the Collector or Tehseeldar in the Zillah and City Courts of Dewanny Adawlut for any breach of the rules contained in that Regulation, is extended in like manner to a breach of any of the rules in the present Regulation; but such part of the above section as authorizes the Judge of the Dewanny Adawlut, on security being given by the plaintiff, to issue a precept for his discharge from confinement and personal restraint, shall not be

considered as directing the attachment of the plaintiff's estate or farm to be withdrawn, unless the arrear of revenue claimed from him by the Collector or Tehseeldar be paid; nor shall the distress and sale of any personal property belonging to the plaintiff be stopped on account of his having instituted a suit against the Collector or Tehseeldar contesting the justice of the demand upon him. Provided, however, that if any proprietor or farmer of land from whom an arrear of revenue may be demanded, shall, by a written representation to the Collector, deny the justness of such demand, but, to prevent any coercive process being issued against him, shall discharge the demand, and shall afterwards establish by a suit in the Dewanny Adawlut that the amount so paid by him, or any part thereof, was not justly due, the amount of the excess so established shall be immediately repaid from the public treasury, with interest at the rate of twelve per cent. per annum, from the date on which such excess may have been received to the date of repayment. All the rules in Regulation VI., 1795, respecting suits instituted against the Collector for sums received by him on the part of Government are to be considered applicable to suits that may be instituted against the Collector under this section; and all the provisions in the above Regulation for the punishment of resistance, disobedience, or evasion of the Collector's process against defaulting proprietors or farmers are to be still considered in full force, and applicable to any process issued by the Collector under this Regulation. As, however, under Section 2, Regulation V., 1798, the decrees of the Provincial Courts of appeal are declared final to the amount of five thousand sicca rupees, that amount is to be considered the standard for appeals to the Sudder Dewanny Adawlut, instead of one thousand sicca rupees before limited, and the same rule is to be applied to all other parts of the Regulations in which an appeal was authorized to the Court of Sudder Dewanny Adawlut antecedent to the enaction of Regulation V., 1798, for the limitation of appeals to that Court.

XXIV. The provisions in Section 15, Regulation VI., 1795, in cases of attachment, are likewise to be still considered in full force, except that the injunction to the Tehseeldar to collect from the ryots according to their engagements with the defaulter is not to be considered applicable to engagements evidently collusive which may have been contracted in expectation of the attachment, with a view to prevent the Officers of Government from receiving the just rents during the continuance of it. In such cases, the Tehseeldar is to collect according to the established rates and usages of the pergunnah, as he is

CHAPTER III. directed to do in cases where no engagement exists between the defaulter and his under-tenants. It is further hereby declared that, after the promulgation of this Regulation, no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are prohibited from demanding or receiving, and the ryots and other under-tenants are prohibited from paying, any part of the rents receivable by the former and payable by the latter before the stipulated or usual period of payment, according to the kistbundee or other engagements, or established local usage; and no person hereafter making anticipated payments against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the Officers of Government who may attach the lands or farm, or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant under the provisions contained in this Regulation. Nor shall credit be allowed for any payment made to a defaulter after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn, unless it can be clearly shown that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided, however, that nothing herein contained shall be understood to exonerate the defaulter from crediting his under-tenants with, or otherwise accounting for, all sums received by him, whether in anticipation of the rents, or subsequently to the attachment of his estate or farm, the above restrictions having reference to the attachment only.

XXV. In all cases of attachment, the village Putwarees required to be appointed by Section 9, Regulation XXVII., 1795, will of course be bound to furnish the Collector and Tehseeldar, or other Officers deputed by him, with the accounts directed to be kept by them; and the Collector is hereby required to make immediate measures for ascertaining whether the Putwarees have been universally appointed throughout the province, as enjoined in the above section, as well as to cause their immediate appointment where they may be found wanting, by requiring immediate compliance from the landholders with the Regulation in question, under the penalty prescribed in Clause 9th of the section above mentioned, which, if necessary, is to be enforced in the mode therein provided. It is at the same time hereby explained that it was not meant by the above Regulation to require the proprietors of small estates,

who may superintend their own lands, and be unable to afford the expense of a Putwaree, to appoint Officers of this description, but in such cases the proprietors themselves are, when required, to furnish the accounts and information specified in the above-mentioned section, in like manner as the Putwarees are required to furnish the same, and under the same provisions. Defaulting proprietors and farmers of land whose estates or farms may be attached under this Regulation are also required to furnish the Collector with any accounts that may be required from them relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description who may have been employed in the collections of the current year to attend the Collector, Tehseeldar, or other Officer appointed by him. Any proprietor or farmer who, on receiving a written requisition from the Collector under his official seal and signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the sanction of the Governor-General in Council, may think proper to impose upon him, on the Collector's report of the circumstances of the case; and the Governor-General in Council reserves to himself the power of ordering the imprisonment of any landholder or other person who may persist in refusing to deliver up the accounts required from him in any particular instance.

XXVI. If any arrear remain due from a proprietor or farmer of land at the close of the Fuslee year, the Collector is immediately to report the amount to the Board of Revenue, with a statement of the cause of failure, as required by Section 17, Regulation VI., 1795, and his sentiments on the measures proper to be adopted under the provisions contained in Sections 17 and 18 of the above Regulation. In consideration of the state of landed property and other local circumstances in the Province of Benares, although the engagements executed by the landholders declare their property, real and personal, liable to sale for arrears of revenue, the actual sale of their lands has not been enforced, except in cases of necessity or gross misappropriation of the funds from which their revenue is payable; but a general discretion is reserved to the Governor-General in Council to order a sale of land for the recovery of arrears of revenue, and whenever such sales may take place, they are to be made under the several provisions contained in Section 29, Regulation VII., 1799, in addition to the rules already in force within the Province of Benares,—*viz.*, Sections 32, 33, and 34, Regulation VI., 1795, and Regulation

CHAPTER III. XII., 1796, as well as Regulation V., 1796, hereby extended to the above province.

XXVII. Section 30, Regulation VII., 1799, whereby the Board of Revenue are appointed to conduct the public sales of land, and to fix the necessary establishments of Native Officers during the attachment of lands for sale, is also hereby extended to Benares, together with Section 15, Regulation III., 1794, therein referred to, and the following sections of that Regulation, requiring the Collectors to take security for the appearance of all Native Officers entrusted with the receipt or payment of public money, or the charge of public accounts, and directing how they are to proceed for the recovery of the public money or accounts in the possession of such Officers.

XXVIII. The Collector of Benares is authorized to propose to the Board of Revenue, in the prescribed form, any Regulation regarding matters within his cognizance which his local knowledge and experience may suggest to him as advisable to be adopted; and provided it be drawn out according to the form directed by Regulation XLI., 1793, the Board of Revenue are to forward the same to the Governor-General in Council, in the mode prescribed by Section 31, Regulation VII., 1799.

A. D. 1801.—REGULATION I.:

A REGULATION TO EXPLAIN AND AMEND PART OF THE RULES FOR COLLECTING THE PUBLIC REVENUE CONTAINED IN REGULATIONS VII., 1799, AND V., 1800; TO EXPEDITE THE SALE OF LANDS FOR ARREARS OF REVENUE; TO LIMIT THE DIVISION OF PROPERTY BY SUCH SALES; TO EXPLAIN AND AMEND THE RULES CONTAINED IN REGULATION XXV., 1793; (EXTENDED TO BENARES BY REGULATION XXVI., 1796), FOR THE DIVISION OF JOINT ESTATES, AND ALLOTMENT OF THE FIXED ASSESSMENT THEREUPON; AND TO FIX A PERIOD FOR THE OPERATION OF SUCH PART OF REGULATION VIII., 1793, AS AUTHORIZES THE SEPARATION OF CERTAIN TALOOKS FROM THE ZEMINDAREES TO WHICH THEY WERE ATTACHED AT THE TIME OF THE DECENNIAL SETTLEMENT.

I. THE rules contained in Regulation VII., 1799 (extended to Benares, with modifications by Regulation V., 1800), for the more punctual collection of the land revenue by attachment of the lands in cases of arrear, and by a sale of them at the close of the year for which the arrear may be due, have materially promoted the object proposed by them, but have been partly deprived of their effect by indiscriminate attachment of the lands, without due regard to the discretion vested in the Collectors by Clause 7th of Section 23, Regulation VII.,

1799, and by the delays which have occurred in bringing portions of estates to sale for the recovery of arrears outstanding at the close of the year. With a view, therefore, to explain and amend the rules contained in the above Regulations; to extend, under restrictions, to the Provinces of Bengal, Behar, and Orissa, the rules established in Benares by Section 22, Regulation V., 1800, for the distress and sale of the personal property of defaulting landholders and farmers, when necessary for the recovery of arrears of revenue or other public demands; also to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation XXV., 1793 (extended to Benares by Regulation XXVI., 1795), for the division of joint estates, and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VIII., 1793, as authorizes the separation of certain talooks from the zemindarees to which they were attached at the time of the decennial settlement; the Governor-General in Council has enacted the following rules, to be in force as soon as promulgated throughout the Provinces of Bengal, Behar, and Orissa; and in the Province of Benares, as far as they are declared applicable to that province.

II. By Clause 1st, Section 23, Regulation VII., 1799, proprietors and farmers of land assessed with the public revenue, who may not discharge the monthly instalment of revenue demandable from them on or before the first day of the succeeding month, are made liable to the payment of interest on the amount of the arrear due from them at the rate of one per cent. per mensem; and by Clause second of the same section and Regulation it is enacted that if the arrear so due, principal and interest, shall not be discharged on the written requisition prescribed in Section 3, Regulation XIV., 1793 (which allows a reasonable time for conveying the money to the public treasury, according to the distance of the estate or farm of the defaulter), nor assurance given for the immediate payment of it to the satisfaction of the Collector, he shall proceed without delay to attach the estate of the proprietor from whom the arrear may be due, or such portion thereof as he may consider fully sufficient to make good by a sale the arrear due, with interest; or if the arrear be due from a farmer, shall proceed without delay both to attach his farm and arrest his person (as well as the person of his surety, if he have given security) in the mode prescribed by Sections 5 and 6, Regulation XIV., 1793. But Clause 7th of the same section and Regulation authorizes and directs the Collectors to suspend the

CHAPTER III. exercise of the above powers in cases of drought, inundation, or other calamity of season, as well as in all cases where the cause of failure may not have originated in the neglect, mismanagement, or misconduct of the defaulter. The Collectors were at the same time required in all such cases to report the circumstances to the Board of Revenue, and to be guided by their instructions; under which provision, and the discretion so vested in the Collectors, it was expected that they would suspend the attachment of estates and farms, and report the case to the Board of Revenue, in all instances wherein, from enquiry made by them, or information given to them, there might be ground to believe that the failure was not wilful, or had not originated in the neglect, mismanagement, or misconduct of the defaulter. But few such reports have been received from the Collectors by the Board of Revenue, although many instances of the nature referred to must have occurred since the promulgation of Regulation VII., 1799, particularly in the early part of the year, whilst the landholders and farmers are adjusting their mofussil settlements for the year, at which period it must be highly inconvenient and injurious to the landholders and farmers that their lands and farms should be attached by the Officers of Government. It is therefore hereby enacted that no Collector shall attach the estate or farm of any proprietor or farmer of land for arrears of revenue during the three first months of the Bengal, Fuslee, or Willaity year (according to the era current in the several zillahs), without the express sanction and order of the Board of Revenue, on a report of the case to be made to them by the Collector; nor shall the attachment be subsequently made without such sanction and order, unless the Collector shall judge the same expedient, with a view to induce payment of the arrear by the defaulter, or to prevent his misappropriation of the remaining rents of the year; or to obtain accurate information of the assets of the estate for the purpose of disposing of a portion of it by public sale at the close of the year, in either of which cases the attachment is to take place after the third month of the year, under the several provisions of Regulation VII., 1799; except that, whenever the attachment may be judged advisable for the purposes above stated, the whole estate shall be attached, instead of a portion thereof, as authorized by Clause 2nd of Section 23, Regulation VII., 1799. Provided, further, that the exception from the rule for attachment during the three first months of the year shall not be considered applicable to attachments made in the preceding year, and continued after the expiration of it, with a view to the lands being brought to sale for the

recovery of the arrear due from them; and whenever the Collectors and Board of Revenue may not judge it expedient to attach the lands for the purposes above recited, but shall be of opinion that the public revenue is wilfully withheld by the defaulter, or that the arrear is ascribable to his neglect, mismanagement, or misconduct, it shall be competent to the Board of Revenue to impose a penalty of one per cent. per mensem on the arrear, in addition to the prescribed interest, to be paid from the time when the arrear may have become due until it be discharged, or until the estate or farm of the defaulter may be attached (in which case the additional penalty in lieu of attachment is to cease), and to be levied in like manner as the interest is directed to be levied,—*viz.*, in the same manner as other revenue demands are enforced under the existing Regulations. In all cases where the Collectors may not judge it advisable to attach the estate or farm of the defaulter for an arrear of revenue, and where the result of the fullest enquiry they may be able to make in such cases shall induce them to believe the arrear wilful, or owing to the neglect, mismanagement, or misconduct of the defaulter, they are to report the same, with a summary of the enquiry made by them, to the Board of Revenue, in like manner as they are already required by Clause seventh of Section 23, Regulation VII., 1799, to make such report to the Board of Revenue, in cases wherein they may judge it proper to suspend the attachment of estates or farms in arrear, or to suspend the demand of interest upon arrears, on account of any calamity of season or cause of failure not originating in the neglect, mismanagement, or misconduct of the defaulter. The report so required is still to be made by the Collectors, whenever they may not carry into execution the general rule for attachments, after the expiration of the third month of the year; but as a full discretion is now vested in them (subject to the control of the Board of Revenue) for suspending the enforcement of that rule in all cases where they may judge the same expedient, it is expected that they will be particularly careful to inform themselves, as far as possible, in all instances of arrear, of the real cause of arrear, whether want of good faith on the part of the defaulter, or actual inability, from a failure in his rents or otherwise, so that the proper remedy may be applied to the ascertained circumstances of the case, and neither the public interests be injured by unmerited indulgence, or those of the individual suffer from undue severity. When the Collectors, from the reports of their mofussil Officers, or from other information obtained by them, may have good reason to believe that a defaulter has

CHAPTER III done his utmost to pay his revenue, but has been prevented by real inability, not proceeding from any personal deficiency, the attachment of his lands, whilst productive of expense and inconvenience to him, can produce no adequate advantage to Government. On the other hand, if it be known that the defaulter has the means of making good his arrear, or that the attachment of his lands will afford assets for the payment of it which might otherwise be misappropriated, the attachment would be evidently just and expedient; and whatever expense or other consequences might arise from it to the defaulter would be chargeable to his own misconduct. The local Officers of Government can alone make this discrimination, and the Board of Revenue, in their reports to the Governor-General in Council upon the towjee accounts of the Collectors, are required to notice their attention or otherwise to this important part of their duty.

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IV. Instances having occurred in which, from the very small extent of certain estates, from their dispersed situation and inconsiderable produce, it has been found impossible to attach them without an expense altogether disproportionate to the arrear and value of the estates, the proprietors of which have in consequence withheld the amount due from them, though well able to discharge it, to provide for such cases, the Board of Revenue are hereby vested with authority to order the distress and sale of the personal property of defaulters, as far as may be necessary for the recovery of arrears of revenue or other public demands, whenever, from the reports of the Collectors or other information before them, they may consider it just and expedient to have recourse to this mode of recovery, instead of attaching the lands of the defaulters; and whenever such distress and sale may be ordered by the Board of Revenue, it is to take place in the mode prescribed for the distress and sale of the personal property of under-tenants for arrears of rent, under a strict observance of the rules established for this purpose by Regulations XVII., 1793, XXXV., 1795, and VII., 1799, or any future Regulation on the subject. Provided that this special rule be considered applicable only to the particular cases above referred to in which the general rule for attachments cannot with facility be put in execution, and be not in any instance understood to vest the Collectors with authority to sell the personal property of any proprietor of farmer or land paying revenue to Government, without the express sanction of the Board of Revenue. In applying for such sanction, the Collectors are to make a full report of the

circumstances under which they may judge it advisable to have recourse to the special rule contained in this Regulation, and are to state any pleas which may have been offered for the arrear, with their opinion whether the same are well founded or otherwise. Provided, further, that nothing in this section, the operation of which is restricted to the Provinces of Bengal, Behar, and Orissa, shall be considered applicable to the Province of Benares, where the rule for the distress and sale of personal property contained in Section 22, Regulation V., 1800, and which has reference to the state of landed property and other circumstances peculiar to that province, is to remain in force as heretofore.

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VIII. Section 10, Regulation I., 1793, prescribes the general rule and principle for the allotment of the fixed assessment upon all divisions of estates, whether publicly sold or transferred by the private act of the proprietors,—*viz.*, that the assessment upon the portion of the estate to be separated shall bear the same proportion to its actual produce as the fixed assessment upon the whole estate may bear to its actual produce. This rule is to be strictly observed in all cases, whether of public sale or private transfer, or of division between sharers, heirs, or joint proprietors of whatever description; and it is hereby explained that by the term "actual produce" is to be understood the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent or other gross produce the actual expense of collection and other usual charges of management, inclusive of poolbundy, or the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor from his gross receipts, but exclusive of his malikana, or proprietary income, and all other personal appropriations of the gross produce of his estate, as such can have no claim to consideration in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereto in conformity to the prescribed rule. But the above Regulation further provides that the produce to which the general rule of proportion is to be applied shall be ascertained in the mode that is or may be prescribed by the Governor-General in Council; and the Putwaree accounts furnished in pursuance of Clause fourth of Section 62, Regulation VIII., 1793, for the allotment of the public revenue, agreeably to the principles laid down in Regulation I., 1793, having in many instances proved fallacious or unsatisfactory, and in some instances not being procurable by the Officers of Govern-

CHAPTER III. ment, it is hereby enacted that whenever the Collector or other public Officer, to whom the allotment of the assessment upon the portion of an estate may be committed shall have reason to suspect the accuracy of the village accounts produced by a Putwaree in pursuance of Clause fourth of Section 62, Regulation VIII., 1793, or of any other Regulation, or such accounts shall be found to have been fabricated or altered, or not to be the true accounts under the process prescribed in Clause eighth of the above section and Regulation; or if in any case the true village accounts of the lands, rents, receipts, and disbursements may not be forthcoming, but the Collector or other Officer, under the powers vested in him by Clause first of Section 29, Regulation VII., 1799, or any other Regulation, shall have obtained satisfactory accounts for the three past years of the lands and rents of the entire zemindaree, talook, or other estate, with a specification of the mehal or mehals proposed to be separately assessed, he shall adjust the assessment upon such mehal or mehals, under the general rule of proportion, according to the average neat produce (as above explained) ascertainable from the general accounts of the estate so obtained, without further regard to the village accounts than may appear to him proper with a view to compare and check the other accounts. Provided, however, that in all cases the Collector or other Officer shall adopt every authorized measure to obtain the most accurate accounts procurable, and shall fully satisfy himself that the accounts from which he may compute the neat produce of an estate to be divided and distinctly assessed are sufficiently accurate to prevent any risk of loss to Government from the proposed allotment of the assessment, without evidence of which no distinct assessment is to be proposed by any Collector, or approved by the Board of Revenue. Provided, further, that nothing in this Regulation shall be understood to authorize the Collectors to fix the amount of the assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, without the sanction of the Board of Revenue; or to alter the provisions made for the correction of error or collusion in such allotments by Section 25, Regulation XXV., 1793, in cases of private divisions of estates; and by Clause second of Section 29, Regulation VII., 1799, in cases of public sales. Moreover, nothing in this Regulation is meant to supersede the rules contained in Section 62, Regulation VIII., 1793, respecting the village Putwarees; and, with a view to render the same more effectual, Clauses third, fourth, fifth, sixth, seventh, and eighth of the above section are hereby

declared to be equally applicable to all other descriptions of native agents employed by the landholders in the management of their estates, or in keeping any accounts of their lands, rents, receipts, or disbursements. If any such agent shall be convicted in the Zillah Court of having collusively fabricated or altered the accounts delivered by him, or of having wilfully delivered any other than the true accounts, the offender, besides the punishment for perjury to which he will be liable under Clause eight of the above section, shall be subject to dismission from the service of the party employing him, by order of the Court; and such party shall be positively prohibited from again employing the offender, under whatever penalty the Court may think proper to fix, upon consideration of the circumstances of the case.

IX. Whenever it may be requisite to dispose of the whole of an estate by public sale for the recovery of an arrear of revenue, and it may not be necessary, from the large extent of the estate, or otherwise, under the provisions contained in Regulation V., 1796, and Sections 6 and 7 of the present Regulation, to dispose of the estate in two or more lots, there can be no difficulty in bringing the estate to sale immediately on the expiration of the year for which the arrear may be due, in conformity to Section 23, Regulation VII., 1799, and Section 26, Regulation V., 1800, as in such cases no allotment of the assessment is required, and it will be sufficient in the statement to be exhibited at the time of sale to specify the name of the estate, the mehals composing it as entered in the last-formed public register of estates, and the fixed assessment thereupon. Under the foregoing provisions, and those already made by Regulation VII., 1799, and V., 1800, for the attachment of the lands antecedent to the public sale of them, it is further expected that the Collectors will be enabled, without any considerable delay, to adjust the assessment upon the portion of an estate proposed to be sold, and to transmit to the Board of Revenue the statement required by Clause second of Section 29, Regulation VII., 1799, to be exhibited at the time of sale in such cases, *viz.*,—specifying the mehal or mehals to be sold, their computed rent produce, and the allotment of the sudder jumma thereto, in conformity to Section 10, Regulation I., 1793. It may therefore be presumed that all sales of land for arrears of revenue will hereafter take place within the first, or at the latest the second, month after the expiration of the year for which such arrears may be due; but as instances may occur under Clause 8 of Section 23, Regulation VII, 1799, or some of the provisions in the

CHAPTER III. present Regulation, wherein the sale may take place after the second month of the year; and when the proprietor, antecedent to the attachment of his lands for sale, may have granted leases for the current year to farmers, ryots, or other tenants, or may otherwise have concluded a settlement with his under-renters for the current year; the Governor-General in Council, with a view to obviate any hardship which such under-renters or tenants might sustain from the immediate operation of Section 5, Regulation XLIV., 1793, and Section 3, Regulation III., 1796, and to promote the general encouragement of agriculture, hereby enacts that, in such cases, the operation of the two sections above mentioned, whereby, on a public sale of lands for the discharge of arrears of the public assessment, the engagements, pottahs, and leases of the late proprietor (with certain exceptions,) are cancelled from the day of sale, shall be suspended till the close of the Bengal, Fuslee, or Willaity year in which the sale may have taken place; and the purchaser during such period shall not be entitled to demand from any under-renter or tenant, of whatever denomination, more than the late incumbent could have legally demanded. Provided, however, that this suspension be not considered applicable to any engagements, pottahs, or leases evidently collusive; nor in any case, unless the sale shall have taken place after the second month of the year according to the era current in the province wherein the lands may be situated.

X. All purchasers of lands at the public sales are required to attend the Collector of the district wherein the lands may be situated, either in person or by their representatives duly authorized, and to execute the usual kubooliat and kistbundee for the public revenue assessed upon the lands purchased by them. In cases of doubt as to the real purchaser, or of suspicion that the purchase has been made in opposition to the rules contained in Clauses 3 and 4 of Section 29, Regulation VII., 1799, the Collector is authorized to cause the personal attendance of the alleged purchaser at his Cutcherry, if resident within his jurisdiction; or, if the purchaser be resident in any other zillah, the Collector of such zillah is authorized and required to cause the attendance of the purchaser at his Cutcherry, on the application of the Collector in whose district the lands may lie, and to make any examination or enquiry that may be desired by the latter Collector, or by the Board of Revenue, to whom a full report is to be made in such cases for the orders of the Governor-General in Council, as directed in Clause 4 of Section 29, Regulation VII., 1799. It is further hereby declared that the Collectors are generally

empowered to cause the personal attendance of any landholder or other native inhabitant within their respective jurisdictions, when the attendance of such person may be indispensably necessary for the purpose of any authorized public enquiry, or to enable them to perform any part of their public duty under the regulations or instructions of the Governor-General in Council or Board of Revenue. But no Collector shall cause the personal attendance of any landholder or other person who may appoint an agent duly authorized to attend for him, if the attendance of the agent so appointed shall be sufficient for the purpose required. Any infringement of this rule will subject the Collectors to a prosecution for damages in the Civil Courts; and whenever they may have occasion to exercise the power now declared to be vested in them, they are to issue regular summonses, under their official seals and signatures, specifying the name, designation, and residence of the party summoned, and the purpose or purposes for which his attendance is required.

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XIV. The rules contained in Regulation VIII., 1793, for the separation of certain Talookdars, the actual proprietors of the lands composing their talooks, from the zemindarees to which they were attached at the period of the decennial settlement, having been construed to entitle Talookdars of that description who did not apply for separation at the time of the decennial settlement to be separated on their application at any subsequent period; and it being necessary for the security of purchasers at the public sales that some period should be fixed for the operation of the above rules, to prevent their being at all times liable to deprivation of a part of their purchases, it is hereby required that all Talookdars who as proprietors of the lands composing their talooks may consider themselves entitled, under Section 5, Regulation VIII., 1793, or any other part of that Regulation, to be separated from the zemindarees to which their talooks are attached, shall prefer a written application to the Collector of the zillah in which their talooks may be situated for the separation thereof within one year from the date of this Regulation, under penalty of forfeiting all title to separation under Regulation VIII., 1793, if they shall omit to apply as directed within the prescribed period, at the expiration of which, the operation of the section above mentioned shall be considered extinct with regard to all talooks for which no claim to separation may have been then preferred; and such talooks shall thereafter be considered as dependent talooks, not entitled to be separated from the zemindarees to which they may be attached, though in other respects the

CHAPTER III. rights of the Talookdars are not meant to be in any degree affected by this Regulation. It is further hereby declared that the rules regarding separable talooks contained in Regulation VIII., 1793, were never meant to be applied to any new Talooks constituted since the period of the decennial settlement. By Section 9, Regulation I., 1793, the Zemindars and all other proprietors of land have been declared at liberty to transfer, by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates; but by Section 10 of the same Regulation, it is required that all such transfers be notified to the Collector of the zillah, that the fixed jumma assessed upon the whole estate may be apportioned on the several shares in the manner therein prescribed; that the names of the proprietors of each share, and the jumma assessed thereon, may be entered upon the public registers; and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who are thenceforward to be considered separate proprietors of distinct estates; but until such notification and separation shall have been made, the whole of the estate is declared responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no transfer had taken place. This declaration is also repeated in Section 28, Regulation XXV., 1793, which contains the specific rules established by Government for the division of estates paying revenue, and the allotment of the jumma upon the several portions thereof. If, therefore, any Zemindar shall have disposed of his proprietary rights in any portion of his zemindaree subsequently to the promulgation of the Regulation above mentioned, whether under the denomination of an independent talook or otherwise, and the Talookdar or other person to whom the portion of an estate may have been so transferred shall have omitted to obtain a separate allotment of the public assessment thereon, in the mode prescribed by the Regulations, such transfer, as far as respects the rights of Government, must be considered altogether invalid; and if the land so privately transferred, but not separately assessed, should have been since, or shall be hereafter, included in any public sale for arrears of revenue, the illicit and imperfect private transfer must be deemed to have been altogether done away. In such cases, the lands transferred, until publicly registered and separately assessed, form part of an undivided estate, and, as such, are liable to be sold for any arrear of Revenue which may be due from any part of the estate. Provided, however, that nothing in this section be considered applicable to dependent talooks, or other

tenures dependent on the estate to which they are attached, and from which, by their title-deeds or otherwise, they are not entitled to be separated as a distinct estate. Section 6, Regulation XLIV., 1793, authorizes and confirms such tenures, subject to the restrictions contained in Sections 2 and 5 of that Regulation, with the explanation of the latter in Section 7, Regulation IV., 1794, and Clause 5 of Section 29, Regulation VII., 1799.

XV. The whole of the provisions contained in this Regulation, as applied to Regulation VII., 1799, are to be considered equally applicable to Regulation V., 1800, whereby the rules contained in Regulation VII., 1799, were extended to the Province of Benares; and in like manner the provisions in this Regulation which have reference to Regulation XXV., 1793, are to be considered in force within that province, under the extension of the above Regulation to it by Regulation XXVI., 1795.

A. D. 1803.—REGULATION XXVII.:

A REGULATION PRESCRIBING THE PROCESS BY WHICH THE COLLECTOR AND THE TEHSEELDARS ARE TO REALIZE THE PUBLIC REVENUE PAYABLE FROM THE LANDS IN THE PROVINCES CEDED BY THE NAWAB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY.

THE following rules are prescribed for the guidance of the Collector and the Tehseeldars in realizing the public revenue payable from the lands in the provinces ceded by the Nawab Vizier to the Honorable the English East India Company :—

II. *First*,—Tehseeldars, or Native Collectors, shall be appointed to collect the public dues from those lands for the payment of the revenue from which settlements may not have been concluded with the Zemindars or other actual proprietors, and generally to collect the revenues of such lands as the Collectors may deem it expedient to place under them.

Second,—The Tehseeldars shall be selected by the Collectors, who are required to pay the utmost attention to their character and responsibility. The name of the person proposed for that office shall be submitted by the Collector to the Board of Revenue, and no actual appointment shall take place without the previous sanction of that Board.

Third,—In all practicable cases, the amount of the revenue to be collected by each Tehseeldar shall not be less than

CHAPTER III. two lakhs of rupees, nor exceed the sum of three lakhs of rupees, per annum, including every description of collections entrusted to his management. Where it may be deemed expedient by a Collector to entrust a Tehseeldar with a collection exceeding the sum of three lakhs of rupees, he shall report the same to the Board of Revenue, in order that they may submit such reference for the orders of the Governor-General in Council.

Fourth,—The Collectors shall be careful to prevent persons holding more than one situation as Tehseeldar, by obtaining these appointments in other pergunnahs, or in other districts, in the names of their connexions or dependents. The Collectors shall also be careful that the persons appointed Tehseeldars are principals, and not employed as agents for their sureties.

Fifth,—The Tehseeldars shall be allowed eleven and a half per cent. on the amount of their gross collections, in consideration of which they are to bind themselves to defray all charges, and to cover all risks and expenses whatever of the collections; to make good all balances of revenue which may accrue in their respective jurisdictions, as well as such advances as Government may authorize them to make to ryots and others for the purpose of assisting them in the cultivation of their lands.

Sixth,—In consideration of the allowance, as specified in Clause 5, the Tehseeldars shall further become bound to maintain an efficient Police in their respective jurisdictions, with an exception as to cities, large towns, and principal gunjes, the Police of which will be maintained by Government.

Seventh,—The Tehseeldars shall give good and sufficient security (to be approved of by the Board of Revenue) for the due and faithful performance of the trust reposed in them, to the amount of the largest kist recoverable by them respectively in each year.

Eighth,—A Tehseeldar falling in arrear to the amount of one whole kist shall be liable to be removed, and a report of the arrear so incurred, shall be made without delay to the Board of Revenue.

Ninth,—Tehseeldars shall make the usual advances of tuccavee at the proper periods, for the purchase of seed, cattle, and implements of husbandry, taking bonds for the same, bearing interest at the rate of twelve per cent. per annum. The tuccavee bonds shall be attested by the Chowdries, Canoon-

goes, and Mukuddums; and the number of beegahs for the cultivation of which the advance is made shall be specified in the bond.

Tenth,—All engagements whatever concluded immediately by the Tehseeldars shall be made and granted in the name and on the part of Government, inasmuch as the Tehseeldar acts for, and is to be regarded in all cases as the Officer of, Government.

Eleventh,—Where a person paying revenue to Government may be dissatisfied with the conduct of a Tehseeldar, and shall prove to the satisfaction of the Collector that the Tehseeldar has been guilty of misconduct towards him, such person shall be entitled to the privilege of paying his revenue direct to the Treasury of the Collector; provided that the complainant shall give good and sufficient security for the regular discharge of his kists. But no separation of this nature shall take place without a previous reference to the Board of Revenue; and the Collector shall be careful that the authority and influence of the Tehseeldars be not lessened on light and insufficient grounds.

Twelfth,—The Tehseeldars are to place shaenahs, or watchmen, on the crops, at the expense of the parties to whom they may belong, and are not to allow them to be cut down or carried away until the Zemindar or farmer in the mushukhusy lands (lands for the payment of the revenue assessed, on which a settlement has been concluded), or the ryots in the lands held amauny, shall have given security for the revenue payable therefrom. If such security shall be given before the ripening of the first crops, the Tehseeldar is not to station watchmen over the crops, nor is any charge to be incurred on account of watchmen by the persons who may be responsible for the revenue due from the lands. But where such security is not tendered, watchmen are to be stationed, and an allowance, the amount of which is to be regulated by the local custom, is to be made to them, and included in the deh-khurch, or village charges, of which the accounts are kept by the Putwarees. To prevent all undue exactions under the head of shaenahgee, or allowance to shaenahs, or watchmen, the Tehseeldar is to furnish each watchman with a dustuk, or writ, prescribing the duty he is to perform. On this dustuk the Canoongoes are to endorse the name of the watchman, the rate of allowance which, according to established custom, he is to receive, and from whom it is to be levied; and the Canoongoes,

CHAPTER III. at the end of every month, are to transmit, under their official signature, a list of all such shaenah dustuks as they shall have thus attested during the course thereof, together with the rates of shaenahgee thereby allowed. The Collector is to revise these allowances, and may order them to be reduced whenever they shall appear to him exorbitant.

III. The Tehseeldars are not to issue a dustuk, or written demand, for the payment of any kist, or instalment, until it be due. But when any person shall have failed to pay in his kist before or on the date on which it may become due, the Tehseeldar is to issue a dustuk, and to cause it to be served by a single peon on the party in arrear, who, until he shall have discharged the amount, is to pay to the peon employed in serving the dustuk two annas per day (excepting in districts where custom has fixed the subsistence of peons at a lower rate, in which case such lower rate, and no more, shall be exacted) until the kist be paid, or until the dustuk be withdrawn, as hereafter provided for. But the defaulter shall not be subject to any further charge for the khorak, or subsistence of the peon, or on other account.

IV. Tehseeldars are strictly prohibited from employing muzkoory peons to serve the above-mentioned or any other dustuks. This duty shall be performed solely by peons entertained on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by the Tehseeldars out of the tulubana, or subsistence-money, that may be levied from the persons on whom they may serve the dustuks, the Tehseeldar making good the sum necessary to sustain such charge in all cases of deficiency. Every Tehseeldar is to report to the Collector the number and names of the peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments as may occur in this part of his establishment; and the Collector is to furnish the Tehseeldars with a correspondent number of chuprassees, or badges, which such peons are to wear, and without which they are not to perform any official act. On each of these badges shall be inscribed in the Persian language, and in the Hindostanee and language Nagree character, "Chuprassee of the Tehseeldar of————" (name of the mehal, or district, under the charge of the Tehseeldar in whose service the peon may be employed).

V. Every dustuk issued by a Tehseeldar for enforcing payment of a kist shall be attested by the Canoongoes officiating in the Tehseeldaree Cutcherry, who, on the eighth of

each succeeding month, are to transmit to the Collector an attested list of all such dustuks as may have been thus issued; and the peons, on their return with their dustuks, shall deliver in an account to the Canoongoes of the tulubana collected by them in conformity to their dustuks, and shall pay the amount into the Treasury of the Tehseeldar, receiving from the Treasurer regular receipts for the sums so paid The peons are immediately to deliver these receipts into the dufter, or office, of the Tehseeldar, who, on the twentieth of every succeeding month, is to forward an attested list of them to the Collector, carrying the surplus collections on this account to the credit of Government. The Collector is to cause the list to be examined, and to be checked by the attested list of the dustuks issued, which he will have previously received from the Canoongoes, and to have entered monthly in the Treasury accounts the neat realized amount of such tulubana.

VI. The Tehseeldars are declared liable to be removed from their offices by the Collector, with the sanction of the Board of Revenue, and to be prosecuted on the ground of their engagements, either during the course or at the end of the year.

VII. The kists, or instalments, of each month, receivable from the Tehseeldars and the huzoory Malgoozars, are to be paid between the first and the seventh of each succeeding month; and for all arrears not then paid, the Collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuk, or to send only a written notice by letter, or a verbal intimation, through the Vakeels of the parties (who are always to be in attendance at the Cutcherry), to pay in their kists. But to those who shall not have paid the amount due from them by the fourteenth of the month the Collector shall issue dustuks, under his seal and signature, and countersigned by the Dewan, on the fifteenth of the month, and the peons serving such dustuks shall be directed to bring the party or parties to whom they are addressed, without delay, to the Collector's Cutcherry, and also from the date of their dustuks to levy tulubana at the rate of two annas per day until the kist be discharged, or until the dustuk be withdrawn, as hereafter provided for. Such dustuks, and all other summonses of the Collector, are to be served by the badge peons on his establishment of public Officers, hired at monthly wages. In cases, however, of unavoidable necessity, the Collector is permitted to employ muzkoory peons: and on particular occasions, when, from the distance of situa-

CHAPTER III. tion, the necessity for despatch, or other cause, the Collector shall deem it proper, instead of a peon, to employ a horseman (sowar) in the serving of any written demand for revenue, the tulubana to be collected by the horseman shall be at the fixed rate of four annas per day, until the demand specified in the dustuk be liquidated. But no sowars are to be employed by the Collector in the serving of dustuks excepting those who form part of his public establishment, and are entertained on monthly wages. All persons, whether employed on monthly wages or those termed muzkoory, and also sowars, are to give security not to exact or receive, under any pretence, any sum or sums, or to accept of any subsistence for themselves or their horses, from any person or persons to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the Collector, on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account in the Zillah Courts.

VIII. The tulubana collected as above prescribed is to be accounted for at the end of every month by the Collector's Nazir and the Jemadar of the sowars to the Treasurer of the Collector, and the said Nazir and Jemadar are then to pay in the amount thereof, according to an attested statement under the Collector's official seal and signature. This statement is to remain as a voucher in the said Treasury, from the gross receipt specified in which there is only to be deducted the subsistence-money allowed to the peons or horsemen, as authorized in the preceding section.

IX. Where a huzoory Malgoozar may fall in arrears, the Collector may address his dustuk, or written demand for the kist, either to the defaulter himself, or to his malzamin, or security, or, if necessary, to both.

X. With respect to the lands the revenue assessed on which is not paid huzoory, or immediately, to the Collector, the Tehseeldar, at the expiration of the 5th day from the date of his dustuk having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, to be served on their sureties, and when the revenue in demand, together with the tulubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuk being served upon them, or at the Tehseeldar's Cutcherry, to which the peons are to convey them by such time (consistently with

the period fixed in the ensuing section for their being sent in to the Collector) as shall be specified by the Tehseeldar in the dustuk, such dustuk or dustuks, together with the peons serving the same, shall thereon be immediately withdrawn.

XI. The Tehseeldars are not to confine in jail, or put into stocks or irons, any persons, whether principals or sureties, who may be in arrears on account of the revenue; but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuk shall have been served on a principal, or by the fifth day after the dustuk issued on his surety, such party or parties are invariably to be sent, with a written report of the circumstances, to the Collector. In such instances, and also in similar cases of huzoory Malgoozars, or their securities, on whom he may have sent a dustuk, or written demand, and summoned in the first instance, the Collector, after enquiring into the circumstances, shall, within ten days after the arrival of such defaulter or defaulters at his Cutcherry (during which period of ten days he may either confine their persons, or only keep over them the peons with whom they arrived), either discharge him or them, on his or their paying the amount in demand, or satisfying the Collector that he or they will make good such payment before the expiration of the current Hindoo month; or otherwise the Collector is to cause the party or parties in question, after the expiration of the ten days, to be conveyed to the public jail of the nearest Court of Adawlut, and the Collector is to apply to the Court, by motion in writing, to be made in open Court (if the Court shall be sitting), through the Pleader of Government, for the confinement of the defaulter. If the Court shall not be sitting, the motion is to be presented to the Judge out of Court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon receipt of the motion, the Judge is immediately to order the defaulter to be confined in the jail of the Adawlut, and detain him until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the Collector shall apply to the Court by motion, made as above directed, to have him released.

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XIII. If the crops in any estate or farm shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as

CHAPTER III. to subject himself to be confined under Section 11, and the Collector shall be satisfied, from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the current month, as required in the said section, either from the collections on account of such year from his estate or farm, or from his private funds or property, or by a loan, he is directed to suspend the exercise of the powers vested in him by Section 11 for the confinement of the defaulter. But the Collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter, and to wait for and be guided by the instructions which he may receive from them.

XIV. *First*,—In all cases of the default or confinement of parties from whom revenue may be due, the Collector is to issue directions to the Tehseeldar of the district in which the lands of the defaulter may be situated to levy the public revenue, by realizing, in concert with the Canoongoes, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody.

Second,—Provided, however, that whenever a proprietor or farmer of land shall subject himself to confinement, and his estate or farm to attachment, for arrears of revenue under the provisions contained in this Regulation, and the Collector shall be of opinion that, instead of confining the person of the defaulter, and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter, according to the process prescribed in Regulation XXVIII., 1803, whereby landholders and farmers are authorized to recover arrears of rent from their under-tenants by distraining and selling the personal property of the latter; or if in any case, notwithstanding the confinement of a defaulting proprietor or farmer, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property from which the same can be made good, the Collector may in all such cases direct the Tehseeldar of the district in which the personal property of the defaulter and his surety may be forthcoming, or if it be a huzoory mehal, any Officer whom he may think proper to appoint for the purpose, to cause the personal property of the

defaulter or his surety to be distrained and sold, as far as shall be necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the regulations with regard to the distress and sale of the personal property of under-tenants for the recovery of arrears of rent due from them to proprietors and farmers. The Collector, also, in all cases wherein he may judge it expedient, is empowered to vest the Tehseeldars with discretionary authority to proceed against defaulters within their respective Tehseeldarees by the established process of distress and sale, without waiting for his previous sanction; but in such cases the Tehseeldars will be held personally answerable, if the amount for which the distress may be levied is found not to have been justly due; and in all cases wherein property may be distrained and brought to sale by the Tehseeldars, they will be held responsible for any wilful deviation from the regulations as prescribed with regard to the agents of landholders and farmers in Regulation XXVIII., 1803.

XV. *First*,—The sequestration of the profits of the party or parties in arrear is to extend also to the profits of all those of the brethren or Putteedars whose names may be inserted in the pottah of Government, and who shall have executed the corresponding cabooleut, without, however, infringing the rights of the inferior Putteedars, or sharers, or in talookas, of the dependent village Zemindars, or under-renters; or in any case, or under any description of tenure, of the common ryots, from whom the collections are to be made by the Tehseeldar, according to their engagements with the defaulter or defaulters; or where no such engagements exist, according to the established rules and usages of the village or talooka; and in addition to the accounts to be kept by the Canoongoes, the defaulter may appoint a person to keep a counterpart of the accounts of the receipts and disbursements.

Second,—Whenever the estates of defaulting proprietors, or the farms of defaulting farmers, shall be attached under Section 14 or Clause first, if the arrear due, with any further arrear that may become due from the same proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current Fuslee year, together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it.

Third,—The injunctions to the Tehseeldar in Clause first to collect from the ryots according to their engagements

CHAPTER III. with the defaulter is not to be considered applicable to engagements, evidently collusive, which may have been contracted in expectation of the attachment, with a view to prevent the Officers of Government from receiving the just rents during the continuance of it. In such cases, the Tehseeldar is to collect according to the established rates and usages of the pergunnah, as he is directed to do in cases where no engagement exists between the defaulter and his under-tenants. It is further hereby declared that, after the promulgation of this Regulation, no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are prohibited from demanding or receiving, and the ryots and other under-tenants are prohibited from paying, any part of the rent receivable by the former and payable by the latter, before the stipulated or usual period of payment, according to the kistbundee or other engagements, or established local usage; and no person hereafter making anticipated payments, against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the Officers of Government who may attach the lands or farm, or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant under the provisions contained in this Regulation. Nor shall credit be allowed for any payment made to a defaulter, after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn, unless it can be clearly shown that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided, however, that nothing herein contained shall be understood to exonerate the defaulter from crediting his under-tenants, or otherwise accounting for, all such sums received by him, whether in anticipation of the rents, or subsequently to the attachment of his estate or farm, the above restrictions having reference to the attachment only.

Fourth,—In all cases of attachment, the village Putwarees required to be appointed by Regulation XXIX., 1803, will of course be bound to furnish the Collector and Tehseeldar, or other Officer deputed by him, with the accounts directed to be kept by them; and the Collector is hereby required to take immediate measures for ascertaining whether the Putwarees have been universally appointed throughout the provinces as enjoined in the said Regulation, as well as to cause their immediate appointment where they may be found wanting, by

requiring immediate compliance from the landholders with the Regulation in question, under the prescribed penalty which, if necessary, is to be enforced in the mode provided. Defaulting proprietors and farmers of land whose estates or farms may be attached under this Regulation are also required to furnish the Collector with any accounts that may be required from them relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description who may have been employed in the collections of the current year to attend the Collector, Tehseeldar, or other Officer appointed by him. Any proprietor or farmer who, on receiving a written requisition from the Collector, under his official seal and signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the sanction of the Governor-General in Council, may think proper to impose upon him on the Collector's report of the circumstances of the case; and the Governor-General in Council reserves to himself the power of ordering the imprisonment of any landholder or other person who may persist in refusing to deliver up the accounts required from him in any particular instance.

XVI. *First*,—All complaints for any breach of the rules contained in the preceding sections, either by direct infraction of them, or by unnecessary severity in the execution of them, are declared cognizable in the Zillah Courts, to which any of the parties may apply at all times, either in person or by Vakeel. In such cases, the Judge is to cause the Collector or Tehseeldar (according as the act complained of may have been done by the former or the latter) to be immediately served with a copy of the complaint, fixing a date, according to the distance of place, for the party complained against to deliver in his answer. On the receipt of such copy and notice, the Collector or Tehseeldar respectively, within the period limited in the notice, shall give in his answer to the Court, stating therein the amount in demand from the party or parties on whom the dustuk shall have been issued; and if the said party or parties shall not thereon dispute the justice of the demand, the Judge shall stop all further proceedings in the cause. On the contrary, if the plaintiff or plaintiffs, in their replication, or that of their Vakeel, delivered into Court, shall not allow of the justice of the demand, and shall thereon tender to the Court sufficient malzaminy or security, as well for the sum actually in demand, as for such further amount as may become due from the growing kists, during the trial, and condition to

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abide by such decree as the Court may pass, including all costs and charges in case the plaintiff or plaintiffs be cast, the Judge shall issue a written precept, addressed to the Tehseeldar or Collector (according as the former or the latter may be the defendant), to withdraw the dustuk and peon from the plaintiff or plaintiffs in the cause. In conformity to the precept, the defendant shall withdraw his process on the party or parties complaining, and give in his answer, when, if no part of the claim shall be found to be due from the complainant, the Judge shall discharge him, and decree such costs and damages against the Tehseeldar or the Collector as he may deem equitable upon a consideration of the circumstances of the case; and the damages so decreed shall be defrayed either by Government or the party prosecuted, according to the rules for such cases hereafter laid down in this Regulation. If only a part of the demand shall appear due, the Court is to discharge the prisoner upon his paying such part. In both cases, however, the Court, previous to releasing the prisoner, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the Tehseeldar or Collector in consequence of orders from the Board of Revenue, or without their orders. If the Tehseeldar or Collector shall state to the Court that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the Provincial Court of appeal, the Judge shall release the person so confined without taking such security.

Second,—That part of the preceding clause which authorizes the Judg eof the Court of Adawlut, on security being given by the plaintiff to issue a precept for his discharge from confinement and personal restraint, shall not be considered as directing the attachment of the plaintiff's estate or farm to be withdrawn, unless the arrear of revenue claimed from him by the Collector or Tehseeldar be paid; nor shall the distress and sale of any personal property belonging to the plantiff be stopped on account of his having instituted a suit against the Collector or Tehseeldar, contesting the justice of the demand upon him. Provided, however, that if any proprietor or farmer of land from whom an arrear of revenue may be demanded shall, by a written representation to the Collector, deny the justness of such demand, but, to prevent any coercive process being issued against him, shall discharge the demand, and shall afterwards establish by a suit in the Court of Adawlut that the amount so paid by him, or any part thereof, was not justly due, the amount of the excess so established shall be immediately repaid from the public treasury, with interest at the

rate of twelve per cent. per annum, from the date on which such excess may have been received to the date of repayment.

XVII. *First*,—At the expiration of the year, if an arrear shall remain due from any Talookdar or Zemindar, or other actual proprietor of land, the Collector is to communicate the amount to the Board of Revenue, accompanied by a detailed account of the causes of the failure, when, as far as regards the lands of proprietors, if the deficiency shall clearly appear to have proceeded from his or their embezzlement or misappropriation of the funds arising from the produce, and that there be no immediate prospect of the party or parties, or his or their sureties, making good the amount, the Board of Revenue (provided from the communications of the Collector it shall appear to them expedient so to do, and the Governor-General in Council shall approve of the measure) may authorize the Collector to transfer the rights of the defaulting landholder to such one or more of his putteedars, or sharers, as shall be able and willing, in consideration of such transfer, to pay up the balance due to Government. In such case, the defaulter is not to be entirely excluded, but is to retain, as an inferior putteedar, such a portion of neej-jote ground as, with the approbation of the Collector, the putteedars who may succeed him shall be willing to allow him to hold, at the established rate of rent payable by the most inferior of the family putteedars of the same village or talooka; provided, however, that no putteedar in arrear on account of rent to the defaulter shall be allowed to take advantage of this option, which the Collector is successively to tender in preference to the others, in proportion to the greater or less interest they may severally possess in the estate, until one or more of them accept or they all decline it.

Second,—Where such transfer of a defaulter's rights to one or more of his putteedars, or sharers, shall not prove effectual in realizing the balance; or in cases where the deficiency cannot be proved to have arisen from embezzlement on the part of the landholder, but where the cause may not be of such a nature as to induce the Governor-General in Council to remit the amount; the Board of Revenue, with the sanction of the Governor-General in Council, may direct the Collector either to continue the defaulter in possession, on his engaging, in such manner as shall be deemed satisfactory, to pay up his balance with the future revenue, or sequester to the use of Government the ensuing year's profits of the defaulter, in the manner and under the restrictions specified in Section 15.

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The last-mentioned measure shall be adopted where there is a reasonable prospect of at least realizing thereby the assessment payable to Government in the ensuing years ; and in such instances it shall be the duty of the Collector, in like manner as in all cases in which the lands are held amauny, to acquire the fullest information, and to propose to the Board of Revenue such improvements of the jydaad, or funds, as may appear practicable, by making advances for tuccavee, gilandazee, the cutting down of jungles, or by the construction of embankments or water-courses, so as not only to prevent any diminution of the produce of the lands, but to improve and increase it.

Third,—The profits arising from the surplus collections over and above the former jumma adjusted by the settlement, after defraying the charges of improvement, whilst Government think fit to leave the lands amauny, shall be appropriated entirely to the use of the public in the cases of all defaulting proprietors who may be dispossessed under the preceding clause for embezzlement or misappropriation of the funds for the payment of the public revenue ; and such Zemindars shall not be reinstated until from their own means they shall have paid up, or given satisfactory security for discharging, the balance incurred, as well as to repay to Government the principal of the amount it shall have advanced for improving the estate. But in the other case stated in Clause second, in which embezzlement shall not have been clearly proved against the defaulting landholders, the profits or surplus collections shall be set off against the arrears due from them, and they shall be entitled to reinstatement as soon as the arrears shall thus, or otherwise from their own funds, have been discharged, or when they shall deliver in satisfactory security for the amount, inclusive of the whole or the part of the charges of improvement incurred during their dispossession, for which Government, on a review of the circumstances of the case, shall think fit to render them responsible.

Fourth,—The rules in the preceding clauses of this section are to be understood with this reservation, that in all cases where Talookdars, Zemindars, or other landowners shall be dispossessed for arrears of revenue, Government shall have the option of letting their lands on lease to any person or persons, in case of the dispossessed proprietors omitting or refusing to resume the management of their lands under the conditions that may be offered to them.

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XVIII. *First*,—Where arrears shall be due by farmers near the close of the year, the recovery of which, either through themselves, or their sureties, shall not have been effected by its expiration; the Collector, with the sanction of the Board of Revenue, is to have recourse, in the first instance, to the person who shall appear to him to have the best claim to the village or talooka in question, who, on paying off the farmer's balance, or on giving good security to pay it by instalments in the course of the ensuing year, shall be reinstated in the estate. This, however, is not intended to decide the question of right to such estate, as any person who may consider himself to have a better claim to it than the person whom the Collector shall have put in possession is at liberty to prefer the same to the Judge of the Zillah Court of Adawlut within whose jurisdiction the lands shall be situated.

Second,—Where there are not any original proprietors, or where they shall decline taking upon themselves the balance of the farmer, the Collector shall offer the village or talook to the Mocuddums or Purdhans, and shall conclude the settlement with them for the same, on their agreeing to the terms specified in the preceding clause. In instances in which there are not any original proprietors, or where they shall decline taking upon themselves the balance of the farmer, and in which the Mocuddums or Purdhans shall also decline to take upon themselves a similar responsibility, the farmer shall be continued, on his stipulating, in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue; or otherwise the farm is to be re-let, for such term as Government may direct, to such other person or persons as, in consideration of such lease, shall immediately pay up, or find satisfactory security for, the removed farmer's balance, or the part of it the payment of which shall be required.

Third,—Where neither the orginal proprietors shall be reinstated, nor the settlement be made with the Mocuddums or Purdhans, nor the farmer in arrears be continued, nor any new farmer undertake to discharge the balance incurred, or such part thereof as Government may require, the lands are to continue amauny, under the same kind of management and regard to their improvement as is directed in Clause 2nd of the preceding sections to be observed in respect to lands from which Zemindars shall have been dispossessed.

Fourth,—The Board of Revenue, in all cases in which they may judge it advisable (in addition to such

CHAPTER III. recourse as is authorized to be had on the surety), may recommend to the Governor-General in Council the sale of the property of farmers in arrears, in conformity to the tenor of their engagements.

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XX. If a Tehseeldar shall issue the process prescribed in Section 3 or 10 against any Zemindar, or other actual proprietor of land, or any farmer, or surety for payment of the amount of the instalment in demand, or of any other sum or arrears of revenue due, and the party to whom such process may be addressed shall refuse to obey, or resist, or cause to be resisted, the peon deputed to serve such process, or abscond from the peon after he shall have served such process, or retire to any place, so that the process cannot be served on him, the Tehseeldar who may issue the writing is immediately to represent the case to the Collector, and to transmit a sooruthaul, or circumstantial report of it, under the seal of the Cazee, and the attestations of the Canoongoes; whereupon, if the party thus accused shall not intermediately have made his appearance at the Collector's Cutcherry, the Collector shall issue a summons to him requiring him to repair to his Cutcherry for the explanation of his conduct, and for the payment of his kist, along with the two peons, or the single sowar, either of whom the Collector, at his discretion, may depute to serve this summons. Upon the arrival of the party at the Cutcherry of the Collector, the latter is to enquire into the circumstances of the case, and, as may appear to him proper on a consideration of them, either order the offender to be committed to temporary confinement for any term not exceeding ten days, or to exact sufficient hazir or fael-zaminee from him. If the non-attendance of the party, in the first instance, shall be found to have arisen from any misconduct in the Tehseeldar's peon who served the process, he is to be dismissed, and declared incapable of being again employed in any revenue capacity whatsoever, and accordingly no Tehseeldar shall afterwards employ him; and the Tehseeldar shall also be removed, in case the resistance of the party served with the process shall appear to the Collector to have arisen from the injustice of the demand of revenue made on him. Of all orders for the confinement or dismission of peons or Tehseeldars under this Regulation, the Collector is to make a separate monthly report to the Board of Revenue, who are thereon to issue such farther intructions for his guidance as they may think proper.

XXI. In all cases in which the Collector shall order any Zemindar or farmer to be confined, under the authority vested

in him by Section 20, he shall cause a notice thereof, and of the date from which such imprisonment is to commence, to be made through the Vakeel of Government to the Judge of the Zillah Court of Adawlut within whose jurisdiction the lands of such Zemindar or farmer shall be situated; and such notices are to be filed of record in the Courts, to guard against any undue protraction of the term of such commitments.

XXII. If the party (being a Talookdar, Zemindar, or other actual proprietor of land) against whom the Collector shall have issued process at the instance of the Tehseeldar, as prescribed in Section 20, shall refuse to obey, or resist, or avoid compliance with the requisition of the process ; or if, in the first instance, the Collector shall have issued the process prescribed in Section 9 against any huzoory Zemindar or other actual proprietor of land on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the Collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the Collector is immediately to represent the circumstances through the Vakeel of Government to the Zillah Court of Adawlut within the jurisdiction of which the lands on account whereof the arrears shall be due may be situated ; and upon the peon or peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind, from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nagree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal Cutcherry in the estate on account of which the arrears may be due, and the office of the Collector, and the Court-room of the Adawlut of the zillah; and in the meantime the Collector is to cause the rents and revenues of the estate of the defaulter to be realized on behalf of Government in the manner specified in Sections 14 and 15.

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XXIII. If the defaulter shall not surrender himself before the expiration of the period limited in the publication directed to be made in Section 22, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, and that which the Collector may adduce in support of his representation, it shall be proved to the satisfaction of the Court that the defaulter is guilty of the charge, the Court is to decree the proprietary right of the defaulter and his heirs in the estate on account of which the arrears may be due, forfeited to Government. If the defaulter shall not appeal from the decree to the Provincial Court of appeal within the time limited for preferring to that Court in Section 12, Regulation IV., 1803, the Court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of appeal within the prescribed time, and the Court shall confirm the decision of the Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that Court in Section 10, Regulation V., 1803, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the City or Zillah Court, to the Governor-General in Council. If an appeal shall be received from the decision of the Provincial Court of appeal, and the Sudder Dewanny Adawlut should confirm the decree of the Provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. If the Judge of the Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections 9 and 20, or either of them, had been duly served upon him, and he had obeyed it; and the Collector is immediately to obtain from the Court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court shall reverse the decision of the Zillah Court, and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder

Dewanny Adawlut, or if it shall be appealable, and an appeal should not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If the Judge of the Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the Zillah Court and Provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the Court should reverse the decision of the Provincial Court, and declare the proprietary right in the estate forfeited, the Court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the Provincial Court of appeal under this section an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned Court unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculated according to the amount paid or payable by the putteedars, distinct or common, under-farmers, and ryots, to the defaulter, on account of the year in which the decision of the City or Zillah Court may be passed, shall exceed five thousand sicca rupees; and the Collector is enjoined to insert generally in the representation which he is directed to make to the Dewanny Adawlut of the zillah in Section 22 whether the produce of the estate on account of the year above mentioned, according to the best information he may have been able to obtain, exceeds or falls short of five thousand sicca rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period, and the Collector shall have stated the produce of the estate to be under five thousand sicca rupees, and the defaulter shall not deny the truth of the Collector's statement in his answer to the charge, and the cause should be afterwards brought before the Provincial Court of appeal, an appeal shall not lie from the decision of that

CHAPTER III. Court to the Sudder Dewanny Adawlut. If the Collector shall represent that the produce of the estate for the year before-mentioned exceeds or falls short of five thousand sicca rupees, and the defaulter should appear within the limited time, and in his answer to the charge object to the statement, the Judge is to try the objections, and pass such decision upon them as may appear to him equitable. If the cause should be afterwards brought before the Provincial Court of appeal, and no objection be offered by either party to the decision of the Zillah Court on the Collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the Provincial Court is to try the objections, and pass such decision upon them as may appear to it equitable. If an appeal from the decree of the Provincial Court should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the produce of the estate for the year before mentioned exceeding or falling short of five thousand sicca rupees, the Court of Sudder Dewanny Adawlut is to examine the decisions passed by the Court of Adawlut of the Zillah and the Provincial Court of appeal respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable. Decrees that may be passed under this section by the Court of Adawlut of any zillah, or the Provincial Court of appeal, or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution in any case whatever without an order from the Governor-General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor-General in Council either to order the decree to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the Court which shall have transmitted the decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it, by the same process by which they are directed to enforce decrees of the Court, and to pay the amount to the Collector. The process which a Collector may institute against a defaulter in the Court of Adawlut of the zillah under this section, as well as the prosecution or defence of any appeal from the decision of such

Court which may be preferred to the Provincial Court of appeal, or from the decree of the Provincial Court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the Vakeel of Government, whom the Collector is to furnish with the necessary instructions.

XXIV. If the defaulter mentioned in Section 22 shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received from it during the sequestration, and if it shall exceed the public revenue that was due from the estate, the expenses attending the sequestration, and the fine which may be imposed on the defaulter, the overplus is to be returned to him. If the sum received through the Officers of Government appointed to make the collections during the sequestrations shall be inadequate to the payment of the several demands above mentioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

XXV. If the decree adjudging the proprietary right in the estate of the defaulter forfeited shall be confirmed under Section 23, it shall be at the option of the Governor-General in Council either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it, or to dispose of it at public sale, subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released, if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expense attending the deputation of the Ameen, or other Native Officer appointed to make the collections or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due, and the proceeds shall exceed the amount of it, the whole of the proceeds in the first-mentioned case, and the overplus in the second, is to be carried to the public account, or applied in any other manner that the Governor-General in Council may direct.

XXVI. If the party (being a farmer) against whom the Collector shall have issued his process at the instance of

CHAPTER III. the Tehseeldar, as prescribed in Section 20, shall refuse to obey, or resist or avoid compliance with the requisition of the process; or if, in the first instance, the Collector shall have issued the process prescribed in Section 9 against any huzoory farmer on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the Collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector is immediately to represent the circumstances, through the Vakeel of Government, to the Adawlut of the zillah wherein the lands on account of which the arrears shall be due may be situated, and upon the peon or peons deputed to execute the process, or any two or more credible persons making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall satisfied in his own mind, from such dépositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nagree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal Cutcherry in the farm, and in the office of the Collector and the Court-room of the Adawlut; and in the meantime the Collector is to cause the rents and revenues of the farm of the defaulter to be realized on behalf of Government, as prescribed in Sections 14 and 15. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the Court that the defaulter is guilty of the charge, the Court shall decree the lease of the farmer annulled from the expiration of the Fuslee year in which the decree may be passed. If the defaulter shall not appeal to the Provincial Court of appeal within the time limited for preferring appeals to that Court in Section 10, Regulation V., 1803, the Court is immediately to transmit to the Governor-General in Council a copy of the decree, and

of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of appeal within the prescribed time, and that Court shall confirm the decision of the Zillah Court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that Court, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If an appeal shall be received from the decision of the Provincial Court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the Provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. If the Judge of the Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Sections 9 and 20, or either of them, had been duly served upon him, and he had obeyed it; and the Collector is immediately to obtain from the Court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court should reverse the decision of the Zillah Court, and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If the Judge of the Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the Zillah Court and the Provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that Court should reverse the decision of the Provincial Court, and adjudge

CHAPTER III. the lease annulled, the Court is immediately to transmit a copy of the decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the Provincial Court of appeal under this section an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned Court unless the jumma paid or payable to Government by the defaulter on account of the year in which the decree of the Zillah Court may be passed shall exceed five thousand sicca rupees; and the Collector is enjoined to state generally, in the representation which he is above directed to make to the Zillah Court, whether the jumma paid or payable by the defaulter in such year exceeds or is less than five thousand rupees, but without specifying the exact amount of it; and the rules prescribed in Section 23 regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the Collector is therein directed to present to the Zillah Court, are to be held applicable to the statement of the jumma payable by defaulting farmers required to be submitted by the Collector in this section. Decrees that may be passed under this section by the Adawlut of any zillah, or the Provincial Court of appeal, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution in any case whatever without an order from the Governor-General in Council confirming the decree. It shall be at the option of the Governor-General in Council either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or, if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the Court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine, is to levy the amount of it, by the same process by which they are directed to enforce decrees of the Court, and to pay the amount to the Collector. The process which the Collector may institute in the Adawlut of any zillah under this section, as well as any appeal that may be preferred from the decision of the Zillah Court to the Provin-

cial Court of appeal, and from the decision of that Court to the Sudder Dewanny Adawlut, in which the Collector may be appellant or respondent, are to be defended and carried on at the public expense, and by the Vakeel of Government, whom the Collector is to furnish with the necessary instructions.

XXVII. If the lease of the defaulter mentioned in Section 26 shall be annulled, he shall receive credit for the collections made by the Officers of Government, after deducting the charges incurred which may be admitted, and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it; and the Collector is to serve the surety with the written demand for the amount, requiring it to be paid at the Treasury of the Collectorship within a certain number of days after the day on which the writing may be served by the peon to be deputed for that purpose; and in the event of its not being discharged by the time limited in the writing, the Collector is to proceed against the surety, and the defaulter also, if he shall be forthcoming, and should not have been previously confined, in the manner in which he is directed to proceed in Section 11 against defaulters in arrear on account of revenue. If there shall be a surplus after discharging all the demands above mentioned, it is to be paid to the defaulter, who shall be at liberty to prosecute in the Zillah Court the Talookdars, Zemindars, Putteedars, and the under-farmers and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him on account of the period during which his lease remained in force.

XXVIII. If the party (being a surety) against whom the Collector shall have issued his process at the instance of the Tehseeldar, as prescribed in Section 20, shall refuse to obey, or resist or avoid compliance with the requisition of the process; or if, in the first instance, the Collector shall have issued the process prescribed in Section 9 against the surety of any proprietor or farmer of land, and such defaulting surety shall refuse to obey, or resist, or cause to be resisted, the peons thus deputed by the Collector, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the Collector is thereon immediately to represent the circumstances, through the Vakeel of Government, to the Court of Adawlut of the zillah in the jurisdiction of which the lands on account whereof the

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arrears shall be due may be situated ; and upon the peon or peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the Collector, the Judge, provided he shall be satisfied in his own mind, from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the Court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nagree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, and in the principal Cutcherry in the estate or farm, the office of the Collector, and the Court-room of the Adawlut. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the Collector may adduce in support of his representation, if it shall be proved to the satisfaction of the Court that the defaulter is guilty of the charge, the Court shall adjudge him to pay a fine according to the nature of the offence and his situation and circumstances in life. If the defaulter shall not appeal to the Provincial Court of appeal within the time limited for preferring appeals to that Court in Section 12, Regulation IV., 1803, the Court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of appeal within the prescribed time, and that Court should confirm the decision of the Zillah Court, or if the case shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that Court in Section 10, Regulation V., 1803, the Provincial Court of appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If an appeal shall be received from the decision of the Provincial Court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the Provincial Court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of appeal, to the Governor-General in Council.

If the Judge of the Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections 9 and 20, or either of them, had been duly served upon him, and he had obeyed it ; and the Collector is immediately to obtain from the Court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the Collector to appeal from it, or not, as may appear to them proper. If that Board should order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court of appeal should reverse the decision of the Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it should be appealable, and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If the Judge of the Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the Collector is immediately to transmit a copy of the decrees and proceedings of the Zillah Court and the Provincial Court of appeal, with a letter stating his objections to the decree of the latter Court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that Court should reverse the decision of the Provincial Court, and confirm that of the Zillah Court, the Sudder Dewanny Adawlut is immediately to transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the Provincial Court, to the Governor-General in Council. And that no doubt may be entertained from what decrees passed by the Provincial Court of Appeal under this section an appeal shall lie to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned Court, unless the fine adjudged to be paid by the defaulter shall exceed five thousand sicca rupees. Decrees that may be passed under this section by the Court of Adawlut of any zillah, or the Provincial Court of appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution in any case whatever without an order from the Governor-General in Council confirming the decree. It shall be at the option of the Governor-General in Council either to order the decree to be executed

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XXX. *First,*—When a Collector shall proceed to confine the surety of any proprietor or farmer of land in the cases authorized in this Regulation, he is immediately to cause such portion of the defaulter's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in Sections 14 and 15 for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property within the zillah in which the lands of the defaulter shall be situated, but shall possess lands in any other zillah within the Ceded Provinces, or within either of the Provinces of Bengal, Behar, Orissa, or Benares, the Collector is to depute an Ameen into the zillah in which such property may be situated, with a letter specifying the amount of the demand on him, and the property to be attached. The Collector of such zillah is immediately to order a peon to point out the property to the Ameen, who is to keep it in attachment until the Board of Revenue shall have obtained the sanction of the Governor-General in Council for the sale of it.

Second,—The expense of the establishment of the Ameen, and all other charges attending his deputation, shall be defrayed by the surety, and disbursed from the collections made from his estate or farm. The Dewan, or head Native Officer of the surety, or any other person whom he may think proper to appoint, is to keep a counterpart of the accounts of the receipts and disbursements by the Ameen. The Ameen is to collect according to the engagements that may subsist between the surety and his dependent Talookdars, under-farmers, and ryots, and shall not make any alterations whatever in such engagements, or exact more than the amount specified in them.

The Ameen shall be liable to a prosecution in the Court of Adawlut of the zillah for any alterations or infringement of such engagements. In cases in which no engagements may exist between the surety and his dependent Talookdars or ryots, the Ameen is to collect from them according to the established rules and usages of the pergunnah. The Ameen shall likewise be subject to a prosecution by the proprietor of the estate, or the farmer, for embezzlement or injuries done to the estate or farm during the time that the collection of the rents and revenues of it may be entrusted to him. The Ameen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the Collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made.

Third,—If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expense of an Ameen, the Collector to whom the money due from the surety may be payable is to apply to the Collector of the zillah in which the lands may be situated, or to the nearest Tehseeldar or Native Officer employed under him in the business of the collections, to take charge of the lands, and the Collector to whom the application shall be made is to comply with it; and the Tehseeldar or Native Officer to whose charge he may commit the lands is to perform the duties prescribed to the Ameen in the preceding clause, and under the same restrictions and penalties. The Collector of the zillah in which the lands may be situated is not to be liable to any prosecution on account of the attachment, but the Collector in conformity to whose application the attachment may take place is to be responsible for the consequences, in the same manner as if the lands had been situated in his own jurisdiction. The Board of Revenue are to apply to the Governor-General in Council for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached, or after the close of it, as they may deem advisable.

XXXI. When lands are ordered to be sold under this Regulation, the Collector (unless the lands shall have been previously committed to the charge of a Tehseeldar or other Native Officer, in which case such Officer is to perform the duties hereafter specified in this section) is immediately to issue in-

CHAPTER III. structions to the Tehseeldar of the pergunnah to hold the lands in attachment, collect the rents and revenues under the rules and restrictions prescribed regarding lands under attachment in Section 15, and to prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold.

XXXII. Any person confined for arrears of revenue or other demands of Government under this Regulation, either pursuant to a judicial decree, or without such decree, shall be at liberty to apply to the Judge of the Court of Adawlut of the zillah to require the Collector to show cause why he is continued in confinement. If the person making such application shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the Zillah Court or the Provincial Court of appeal, and the time prescribed for appealing from the decision shall have elapsed, the Judge is not to enter into the merits of the case, but only to enquire whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the Collector is empowered by this Regulation to observe before conveying persons to jail for claims of Government, and he shall dispute the justness of the demand, the Judge is not to enquire into the merits of the case, unless the party should renew his complaint, after the expiration of the period during which the Collector, by the discretionary power vested in him by Section 11, is authorized to confine parties in arrear, which rule is hereby extended to demands on sureties and purchasers of land, as far as it can be applied to them. If, however, the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, or otherwise apply to the Court under Section 16, the Judge is to proceed to enquire into the merits of the case. Upon examination of the prisoner's accounts of his payments, if it shall appear to the Judge that the demands for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the Collector may state to be still due from him, in the event of the cause being appealed, and the sum being awarded in favor of Government. If the Collector shall not object to the adjustment

of accounts made by the Court, or if he shall object to them, and the person confined shall omit to give the security above required, and the Collector shall not appeal within the time limited for preferring appeals, the Judge is to release the prisoner without taking any security. If it shall be found that the whole or a part of the sum for which such person may be in confinement remains undischarged, and he shall acquiesce in the adjustment of accounts made by the Court, and shall have been confined on account of such demand for a term exceeding one year, the Judge is empowered to release him, upon his giving good security to pay the sum remaining due from him by instalments during the course of one year after his release. The Collector and the prisoner are to be allowed to appeal from the decision which may be passed by the Court under Section 16 and this section, in the event of either of them being dissatisfied with it under the rules regarding appeals. The rules prescribed to the Collector in the following section respecting the decisions therein specified are to be considered applicable to all decisions passed under Section 16 and this section.

XXXIII. Upon a decision being passed in the Adawlut of any zillah, by which the whole or any part of a sum of money that may have been demanded or actually received by the Collector as an arrear of revenue under this Regulation from any proprietor or farmer of land shall be adjudged not to be due, the Collector is to apply immediately to the Court through his own Vakeel for a copy of the proceedings and decree. The Court is to order copies of the proceedings and decree to be delivered to the Collector with all practicable despatch. The Collector is to forward the papers without delay to the Board of Revenue, with a letter stating his objections to the decree. If the Board shall be of opinion that the decision is not well founded, they are to authorize the Collector to appeal the cause to the Provincial Court of appeal. If that Court shall confirm the decision of the Zillah Court, the Collector is to apply for, and the Court is to grant, a copy of their proceedings in appeal, exclusive of the decree and proceedings received from the Zillah Court. The Collector is to forward the decree and proceedings of the Provincial Court to the Board of Revenue, with a letter containing his objections to the decree of that Court. If the Board shall be dissatisfied with the decision of the Provincial Court of appeal, and the cause shall be appealable to the Sudder Dewanny Adawlut, they are to direct the Collector to prefer an appeal to that Court. If the Board

CHAPTER III. of Revenue are satisfied with the decision of the Provincial Court of appeal, they are to direct the Collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the Collector to prefer an appeal to the Provincial Court, the Collector is to be indemnified by Government for all costs and damages that may have been awarded against him by the Zillah Court. On the other hand, if the Board of Revenue shall deem the decision of the Zillah Court equitable, and not direct an appeal, the Collector is to defray all the costs and damages that may have been awarded against him in that Court. The Collector is nevertheless to be at liberty to appeal the cause, but at the risk of paying all costs and damages that may be adjudged against him in appeal in the event of his being ultimately cast. Appeals in which the Collector may be engaged, either in the Provincial Court of appeal or the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the Vakeel of Government, and at the public expense.

XXXIV. If a Collector shall be prosecuted under Section 16, and the prosecutor shall be cast, or be dissatisfied with the decision of the Judge of the Adawlut of the zillah, and appeal to the Provincial Court of appeal, the Collector is to appoint one of the Vakeels of the Court to plead the cause. If the decree of the Zillah Court shall be confirmed, or the appellant should be dissatisfied with the decision of the Provincial Court of appeal, and appeal to the Sudder Dewanny Adawlut, and an appeal shall be admitted, the Collector is to appoint one of the Pleaders in that Court to defend the suit. If the Provincial Court of appeal shall not confirm the decision of the Zillah Court, the Collector is to apply to the Provincial Court for a copy of the proceedings and decree of the Zillah Court, and of their proceedings and decree in the appeal. The Courts are to furnish the Collector with these papers with all practicable despatch, and the Collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the Provincial Court is not well founded, they are to authorize the Collector to appeal to the Sudder Dewanny Adawlut. If the Board shall see no ground for appealing from the decision of the Provincial Court of appeal, the Collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expenses which may be awarded against him by that Court in the event of his being cast. All appeals that may be

preferred by the Collector to the Provincial Court of appeal, or to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expense, and conducted by the Vakeel of Government, who is to be furnished with the necessary instructions for that purpose by the Collector.

XXXV. In every case in which a Collector may be prosecuted in the Adawlut of any zillah under this Regulation for sums demanded or received by him on behalf of Government from any proprietor or farmer of land, or from any surety or from any purchaser of land, or for any sums demanded or received or taken by him, directly or indirectly, for his own use, from any of the above-mentioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and in appeals that he may have preferred without the order of the Board of Revenue, he is to appoint any of the authorized Vakeels of the Court before which the suit may be brought to plead the cause.

XXXVI. In prosecutions that may be instituted in the Court of Adawlut of any zillah against a Collector for sums of money demanded, directly or indirectly received, or taken by him, for his own use, from any proprietor or farmer of land, or any surety or any purchaser of land, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of Government in conformity to this Regulation (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this Regulation), the Collector is not to forward the decree and proceedings to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature between the Collector and the prosecutor, and the Collector is to defend it at his own risk and expense, in the same manner as individuals amenable to the Courts and not employed by Government are required to defend suits instituted against them.

XXXVII. The Collector is not to derive any pecuniary advantage whatever from suits that he may institute, or which may be preferred against him, in any of the Courts of Justice in his official capacity, with the exception of suits in which he may be engaged under the preceding section, the sums awarded

CHAPTER III. to him in which he is to apply to his own use. On the other hand, it is not intended that the Collector should sustain any loss in levying the dues of Government, in cases in which his conduct may be adjudged by a final judicial decree to be conformable to this Regulation. The Collector is accordingly to bring to the credit of Government in his monthly accounts all sums whatever (with the exception above specified) that may be adjudged to him as costs or damages by any of the Courts of Civil Justice, and he is to insert at the foot of his monthly accounts, or in a separate account, or in his monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which he may disburse in conformity to this Regulation on account of process or suits directed to be carried on by the Vakeel of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits the costs and damages in which may be ultimately defrayable by Government, but for which the Collector is directed to be held responsible in the first instance. But he is in no case to charge these disbursements in his accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the Collector is to be held answerable for the disbursements.

XXXVIII. If a Collector shall have been compelled to pay costs or damages in any suit under this Regulation, and upon his stating the case to the Board of Revenue it shall appear to them, upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the Board are to transmit the case to the Governor-General in Council, who will determine whether the Collector shall be made responsible for such costs or damages, or not.

XXXIX. Security is not to be demanded from the Collector for his personal appearance in any suit in which he may be engaged under this Regulation. Nor shall any security be required from him for the payment of the costs, or for the performance of the decrees or orders of the Court, in suits which are directed by this Regulation to be carried on by the Vakeel of Government, and at the public expense. In suits for sums demanded or received by the Collector on behalf of Government, for the costs and damages in which he is declared eventually responsible, the Courts are to require the same security from the Collector for the payment of the costs and damages as would be taken in similar cases from individual suitors; but they are not to require any security from him for the perform-

ance of their decrees respecting the sums which may constitute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section 36 which may be instituted against the Collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the Courts, as would be required from individual suitors in similar cases. If a Collector shall refuse or omit to pay within the limited p eriod any sum of money that may be ordered to be levied from him, either on account of the suits described in Section 36, or as costs or damages in any other suits for the expenses incurred in which he is declared eventually responsible, the Court is to levy the account from his surety by the customary process. If the Court shall not be able to obtain payment from his surety, the Judge is to report the circumstances to the Governor-General in Council, who will order the amount to be paid from the public treasury, and deduct it from the allowances which may be receivable by the Collector from Government. In all other cases, if a Collector shall omit or refuse to obey any order or decree of a Court of Judicature, the Court from which the process shall have issued is to fine him according to the nature of the offence. In the event of the Collector refusing or omitting to pay the fine, the Court is to report the circumstances to the Governor-General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such Collector from Government.

XL. The Board of Revenue are to issue such instructions as they may think advisable to a Collector regarding the mode of inserting in his monthly accounts the sums which may be paid to him as costs and damages, in consequence of the orders or decrees of any of the Courts of Civil Judicature, or noting at the foot of his accounts, or charging under a separate head in his monthly accounts, the sums which he may disburse as costs or damages which are expressly directed to be defrayed by Government, whatever may be the final decision in the cause, or that may be ultimately defrayable by Government, although, in the first instance, the Collector is to be held responsible for them, and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the Courts may adjudge to be repaid from the public treasury, or not to be due to the public.

XLI. When any process or order shall be issued by any of the Courts of Civil Judicature to a Collector in suits instituted

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XLII. To facilitate the communication between the Collector and the Vakeels in the Provincial Court of appeal and the Sudder Dewanny Adawlut who may be entrusted with the conduct of any appeals (including appeals from decisions in the suits described in Section 36) in which the Collector may be engaged under this Regulation, either whilst he may continue in the office of Collector of the district in which the suits may have arisen, or after his removal from the office, the Collector is permitted to forward, free of postage, any instructions regarding such appeals which he may have to transmit to the Vakeels of those Courts. The instructions are to be enclosed under cover, sealed, and directed to the Vakeel. The instructions so sealed and directed are to be transmitted under a sealed cover, addressed to the Register of the Court in which the cause may be depending, and superscribed with the name and the official appellation of the Collector, or that which he bore when the cause of action arose. The Register of the Court, immediately upon receiving the instructions, is to deliver them sealed to the Vakeel to whom they may be directed. Any person who may be removed from the office of Collector, and who may have a suit or suits depending in the Adawlut of any zillah after his removal from the office, is likewise empowered to forward instructions to his Vakeel respecting such suit or suits, through the Register of the Court. In like manner, the Vakeels in any of the Courts to whom the pleading of suits may be committed under this Regulation, by persons holding the office of Collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers by the public dâk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the Vakeel, and the Register of the Court is to transmit the papers so sealed in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.

XLIII. Arrears of tuccavee, or any money advanced by Government to proprietors or farmers of land for making or repairing embankments, reservoirs, or water-courses, or other

improvements to their estate or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions, as far as they may be applicable.

XLIV. No Collector is to be liable to prosecution for any official acts of his predecessor; but persons who may be removed from the office of Collector of the revenue are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in Section 36 in which they may be engaged, and all suits preferred against them in any Zillah Court for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually answerable, as well as all suits, being appeals from decisions in the suits of the last-mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party in consequence of orders from the Board of Revenue.

XLV. If the Collector of any zillah shall die, or be removed from his office, his successor is to carry on all unfinished process of suits in the Courts of Adawlut directed by this Regulation to be conducted by the Vakeel of Government, and at the public expense; and all appeals from the decrees of the Zillah Courts or the Provincial Court of appeal in such cases, as also all appeals from the decrees of the Zillah Courts or the Provincial Court of appeal in which the former Collector may have been engaged in consequence of orders from the Board of Revenue, and which are directed to be pleaded by the Vakeel of Government, and at the public expense.

XLVI. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor-General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any appeal in the Sudder Dewanny Adawlut which a Collector may prefer or be engaged in pursuant to their orders, instead of leaving the superintendence of the appeal to him.

XLVII. If the lands subject to the payment of revenue to Government belonging to any defaulting proprietor or farmer of land, or any surety or purchaser of land, which may be sold under this Regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess is to be attached and sold to make good the deficiency, under

CHAPTER III. the same rules as his lands subject to the payment of revenue to Government are directed to be sold in Regulation XXVI., 1803, as far as those rules may be applicable to such property. And if any property shall be attached and ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or otherwise, he is nevertheless to be held responsible for all expenses that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place; and in the event of his omitting to discharge the amount, it is to be levied by the same process as the demand for which the property originally ordered to be sold may have been directed to be levied.

XLVIII. If a proprietor, or farmer, or a surety or a purchaser of land, shall deem himself aggrieved under this Regulation by any act which may be done by the Collector in conformity to special orders from the Governor-General in Council or the Board of Revenue, or if a Collector shall demand a sum of money under this Regulation on behalf of Government from any of the above-mentioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the Collector may make the demand, but deny their validity, or have any objections to make to them, either wholly or in part, under any Regulation passed by the Governor-General in Council, and printed and published in the manner prescribed in Regulation I., 1803, the Collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid until they are set aside or altered by a final judicial decision; and the proprietor or farmer of land, or surety or purchaser of land, is to discharge the demands that may be made upon him by the Collector under such engagements or stipulations until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety or purchaser, is to present a petition to the Judge of the Adawlut of the zillah in which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor-General in Council will order the Court of Adawlut of the zillah to try the points or matter contested under the Regulations. The Judge to whom the petition may be presented is to forward it immediately to the Governor-General in Council, who, provided he shall not think it proper

to afford the redress that may be solicited by the petitioner, and the Courts of Justice shall be competent to try the cause, will direct the Court in which it may be cognizable to proceed to the trial of it. If the Governor-General in Council shall order the cause to be tried, the Judge of the Court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the Court from the date of the notification. The Court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The Collector is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this section, and to issue the necessary instructions to the Vakeel of Government in the Zillah Court and in the Provincial Court of appeal, or the Sudder Dewanny Adawlut, should the cause be appealed to the former or both of those Courts. In the event of Government being cast in the Zillah Court or in the Provincial Court of appeal, the Collector is to send copies of the decree and proceedings of the Court (which are to be delivered by the Court to the Collector as soon as may be practicable, upon his applying for them), with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor-General in Council, who will order an appeal to be preferred from the decision, or not, as he may deem advisable. All costs and damages that may be awarded against Government in suits instituted under this section are to be defrayed from the public treasury.

XLIX. The rules respecting the Collectors contained in this Regulation are to be considered equally applicable to the Assistants to the Collectors, or any other persons who may be appointed by the Governor-General in Council to officiate as Collectors during the temporary absence of the Collectors, or whilst the office may be vacant.

L. No part of this Regulation is to be construed to authorize the confinement of the person of any joint proprietor of an estate committed to the charge of a manager, while such manager remains responsible; nor to empower the Collector to take a female proprietor of land into custody, or to order any such proprietor to attend him in person, under any pretext whatever.

LI. The Collectors are generally empowered to require the personal attendance of any landholder or other native inha-

CHAPTER III. bitant within their respective jurisdictions, when the attendance of such person may be indispensably necessary for the purpose of any authorized public enquiry, or to enable them to perform any part of their public duty, under the regulations or instructions of the Governor-General in Council or Board of Revenue. But a Collector shall not cause the personal attendance of any landholder or other person who may appoint an agent duly authorized to attend for him, if the attendance of the agent so appointed shall be adequate to the purposes required. Where a Collector may have occasion to exercise the powers as above authorized, he shall issue a regular summons, under his official seal and signature, specifying the name, designation, and residence of the party summoned, and the purpose or purposes for which his attendance is required. Any infringement of this rule shall render the Collector liable to an action for damages in the Civil Court.

LII. No attachment of an estate or farm shall be made without the sanction of the Board of Revenue, except in the cases where the Collector may deem the same expedient to induce the payment of the arrear by the defaulter, or to obtain accurate information of the assets of the estate for the purpose of disposing of a portion of it by public sale at the close of the year, or to prevent his misappropriation of the remaining rents of the year. Where an attachment may be deemed advisable for the purposes above stated, the entire estate shall be attached. Estates or farms shall in no case be liable to attachment during the three first months of the Bengal, Fusslee, or Willaity year (according to the era current in the several districts), without the sanction of the Board of Revenue to that effect being first had and obtained by the Collector. But this rule shall not be considered as applicable to attachments which have been made in the preceding year, and continued after the expiration of it, with a view to the lands being brought to sale for the recovery of the arrear due from them.

LIII. *First*,—The whole of the lands in the Ceded Provinces shall be let on a lease for three years, at a fixed, equal, annual rent, the amount of which must be determined by such accounts as the Collectors may be at present in possession of, or may be able hereafter to obtain; but no settlement is to be considered final until it has received the previous sanction of the Board of Revenue. In cases where, from the state of the country, it may not be practicable to conclude a settlement at a fixed, equal, annual jumma or rent without any obvious loss to Government, the Collectors shall make the settlement

at such an annual increase during the first lease of three years as may appear to them to be just and equitable.

Second,—The Collectors shall insert the following stipulations in every engagement:—First,—At the expiration of the first lease for three years, another settlement shall be concluded for the further period of three years, at a fixed, equal, annual jumma, on the following terms: the difference shall be struck between the annual amount of the first lease and the actual net produce of the lands at the time when it expired, and two-thirds of such difference shall be added to the annual rent of the first lease, and will become that for the second three years. Secondly,—At the expiration of the second three years' lease, new engagements shall be entered into for the further period of four years, at a fixed, equal, annual jumma, the amount of which shall be determined by adding three-fourths of the net increase of revenue during any year of the second three years' lease to the jumma thereof. Thirdly,—At the end of the ten years, a permanent settlement shall be concluded for such lands as may be in a state of cultivation sufficiently advanced to warrant the measure, on such terms as Government may deem fair and equitable; due regard being had to the actual state of the country, and its means and capability of further improvement. Fourthly,—Persons fulfilling their engagements for the first three years shall have the option of renewing the same for the second period, on the prescribed terms, and so on for the third period.

Third,—Persons holding claims to lands for which engagements have been entered into by the present possessors, and who did not prefer their claim to regain possession of the same within six months from the date (as recorded in the several zillahs) of issuing the proclamation by the Board of Commissioners of the 14th of July, 1802, such claimants shall not be entitled to be put in actual possession before the expiration of the first lease of three years; and claims not preferred within the aforesaid period of three years shall not entitle the claimant to regain possession until the expiration of the ten years. But this rule shall not be construed to restrict persons from preferring their claims at any time within the ten years.

Fourth,—In all cases the settlement shall be made with the Zemindars, provided they offer a fair and equitable jumma; Where a Collector may judge it inexpedient to form a settlement with a Zemindar, he shall hold proceedings on the subject, detailing at large his reasons for rejecting the claim, with every information he may have obtained relative to such

CHAPTER III. Zemindar, and at the same time receiving the Zemindar's answer to the objections urged to his claim. The Collectors shall then transmit the whole of his proceedings to the Board of Revenue, and await their determination on the same.

Fifth,—Where a Zemindar may decline entering into engagements for his estate, he shall be allowed for the present the same nankar which he may have been accustomed to receive under the Government of the Nawab Vizier; and in like manner, where the Board of Revenue may reject the claim of a Zemindar to enter into agreements with Government, and such Zemindar may have been in the receipt of nankar under the late Government, such rate of nankar shall be continued to him for the present; provided that in either case the rate of such allowance shall not exceed the sum of ten per cent. on the jumma of the estate.

Sixth,—Where a zemindaree may have been mortgaged, or transferred as security for a debt, and actual possession given to the mortgagee or surety, the settlement shall be made with such mortgagee or surety in possession, leaving the Zemindar at liberty to adjust his accounts with the actual possessor, or to sue for redress in a Court of Justice.

Seventh,—In large zemindarees containing several dependent talooks or estates, of which the actual proprietors may be now, and have been for a length of time, in undisturbed possession, the principal Zemindars being no more than the immediate channel of receiving the dues of Government, the settlement shall be made with such dependent Talookdars, separate and distinct from the engagement of the principal Zemindars; provided, however, that the Talookdars shall be desirous of such separation, or the Zemindars shall require it.

Eighth,—In the event of the Zemindar considering himself aggrieved by a separation made in conformity to the above clause, or of a Talookdar being dissatisfied at not being separated from a zemindaree, agreeably to what he may have considered as his right, in either case the party considering himself aggrieved shall be at liberty to sue for redress in a Court of Justice. The Collectors shall not suffer such disputed claim to interfere with or delay the immediate conclusion of the settlement, which in all doubtful cases shall be made with the person in possession.

Ninth,—Where Zemindars or other actual proprietors shall decline entering into engagements for their respec-

tive estates, or where there are no proprietors, a village settlement shall be made for three years, giving the preference to the Mokuddums, Purdhans, or any respectable ryot of the village; but no person, not an actual proprietor, shall (so far as may be practicable) be allowed to engage for more than one asillee village, and its dakhillee or dependent villages.

Tenth,—Persons of every description, whether proprietors or not, shall give security equal to one-fourth of the stipulated amount of their annual engagements, in default of which their proposal shall be rejected.

Eleventh,—All persons with whom a settlement may be made shall bind themselves by a written obligation, under such reasonable penalty as the Collectors may think proper to determine, to grant pottahs or leases to the ryots and under-renters of every description, specifying the amount they are respectively to pay; and counter-engagements shall be executed by the ryots and under-renters of a similar tenor and purport.

Twelfth,—In granting pottahs to the ryots and other under-renters, and in receiving cabooleats from them, all authorized and established abwaubs shall be consolidated with the land rent, and formed into one jumma, which shall be expressed in a gross sum in the pottahs and cabooleats; and the imposing or levying new abwaubs shall be strictly prevented.

Thirteenth,—All engagements entered into with Government shall be exclusive of sayer duties, and of all other collections not connected with the land revenue hitherto levied under the denomination of zemindaree and thannahdaree duties. The cabooleats executed by Zemindars and other actual proprietors of land shall contain a clause restricting them from collecting sayer duties, or any other duties whatever, in their respective tenures; and the Collectors are required to explain fully the nature and extent of this restriction, in order that persons desirous of entering into engagements may regulate their proposals accordingly. Nankar and pensions of every description shall be paid by Government from its own treasuries, and no deductions whatever shall be admitted on these or on any other accounts.

Fourteenth,—Where neither the proprietors nor farmers may tender suitable conditions of agreement, a khas or bowlee settlement shall be made with the ryots, stipulating the share they are to get from the different kinds of land, as follows:—In politch lands, or such as are in full cultivation, Government shall receive five passerees, and the ryots three passerees.

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In chunchur lands, or such as have not been cultivated for two or three years, Government shall receive two, and the ryot six, passerees. In bunjer, or waste lands, Government shall receive one, and the ryot seven, passerees. Chunchur lands after one year, and bunjer lands after two years, shall be considered equal to politch; and, further, the bunjer lands after one year shall be taxed equal to chunchur. In the khas settlement, the bhaint or nuzzerana shall be abolished; the Putwarees' wages shall be borne by the ryots, but the mussaut, or measuring and valuing the crops, shall be defrayed by Government, in consideration of the additional passeree received out of the politch crop. In all cases where crops are valued, it shall be done according to the price current of the day. In the khas settlement, the ryots shall engage that the cultivation of the lands shall not fall off, and that they shall not undertake the cultivation of new lands until they have accomplished that of the old.

Fifteenth,—The Collectors shall, in all cases whatever, take under their own immediate management the settlement and collections of all the large zemindarees; and, further, that of all such other lands as they can superintend without detriment to their general avocations.

Sixteenth,—The proprietors of such estates as shall pay their revenues immediately into the treasury of a Collector shall become responsible for entertaining an efficient Police in their respective estates, subject to such general rules and regulations as may be hereafter enacted, with an exception as to cities, large towns, and principal gunjes, the expenses of the Police of which will be defrayed by Government.

Seventeenth,—In cases where lands to a considerable amount shall be let in farm to one individual, and Government, from the report of the Board of Revenue, shall be of opinion that the other avocations of the Collector will admit of the measure, the collections from such farm shall be paid immediately into the treasury of the Collector, instead of being received through the medium of a Tehseeldar.

A. D. 1807.—REGULATION VII.:

A REGULATION FOR MAKING CERTAIN ALTERATIONS IN THE PROVISIONS WHICH HAVE HITHERTO BEEN IN FORCE IN THE PROVINCE OF BENARES RESPECTING PERSONS PAYING, OR WISHING TO PAY, THEIR REVENUE DIRECTLY TO THE TREASURY OF THE COLLECTOR, INSTEAD OF PAYING IT THROUGH THE MEDIUM OF A TEHSEELDAR.

WHEREAS it is provided in Section 24, Regulation II., 1795, that whenever the Zemindars in the Province of Benares may wish to become huzoory,—that is, to pay their revenue

directly to the Collector's treasury, instead of paying it through the medium of a Tehseeldar,—such Zemindars shall be entitled "to one moiety of the aumils deyek and bhuray on account of the revenue payable by them, for the purpose of enabling them to furnish the required maul, fael, and hazir zaminy, or security, for the punctual discharge of their revenue, for their peaceable deportment, and for their appearance, whenever their attendance may be required;" and whereas it has been considered to be advisable in future to dispense with any such security on the Zemindars becoming huzoory; and whereas the continuance of the above-mentioned provision respecting the moiety of the deyek and bhuray is consequently no longer necessary, the following rules have been enacted, to be in force from the time of their promulgation, in the Province of Benares.

II. Such part of Section 24, Regulation II., 1795, and of any other section of that or of any other Regulation in force in the Province of Benares as requires that security shall be taken from the Zemindars on their becoming huzoory, either for their personal appearance, or for their peaceable deportment, or for the punctual discharge of their revenue, is hereby rescinded; and no such security shall be required or taken in future, the lands themselves being deemed sufficient security for the public revenue, and the Zemindars being of course amenable to the general laws of the country for their peaceable and proper demeanour. Such part of Section 24, Regulation II., 1795, as directs that the Zemindars in the Province of Benares shall be entitled to a moiety of the aumils deyek and bhuray, to enable them to furnish the said security, is likewise hereby rescinded.

III. Whenever any Zemindar shall become huzoory after the promulgation of this Regulation, he shall pay the amount of the revenue specified in the engagements contracted by him with Government, directly to the treasury of the Collector, and shall not be considered to have any claim upon Government on account of the moiety of the deyek and bhuray mentioned in the preceding section, or on account of any part thereof.

IV. Whenever any Zemindar may be desirous of paying his revenue directly to the Collector's treasury, the Collector shall immediately comply with the application, unless he may be of opinion that, in consequence of the situation of the lands, or of other circumstances, public inconvenience will be expe-

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rienced from that arrangement; in which case he shall furnish the Board of Revenue with the necessary report on the subject, who are hereby empowered to determine whether the Zemindar shall in future pay his revenue directly to the treasury of the Collector, or through the medium of the Tehseeldar, as heretofore.

V. Whenever a Zemindar may become huzoory, he shall be considered responsible directly to the Magistrate for the apprehension of public offenders, and for the support of the Police generally within the limits of his estate. This provision of course supersedes such of the rules at present in force in the Province of Benares as subject the Zemindars in the discharge of that duty to the control of the Tehseeldars. In other respects the provisions in question respecting the duties to be performed by the Zemindars in the maintenance of the peace within their respective estates, and the responsibility which attaches to them on that account, are to be considered to be in full force and effect.

VI. As the Tehseeldars will, by the operation of the foregoing rules, be relieved from all duty and responsibility with respect to the support of the Police within the limits of estates which may henceforward become huzoory, they will not of course be considered entitled to any part of the deyck and bhuray at present receivable by them on account of such estates.

A. D. 1822.—REGULATION XI.:

A REGULATION FOR MODIFYING AND EXPLAINING THE EXISTING REGULATIONS RELATIVE TO RECOVERY OF ARREARS OF REVENUE.

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XXXVI. If a Collector shall at any time, being so instructed by either the Government or the Board, purchase on account of Government an estate exposed to sale for the recovery of arrears of revenue, the rules applicable to the management of ordinary malgoozaree mehals held khas, or farmed, shall be considered applicable to such estate, and also to all other estates, the property of Government, according as they may be held khas or let in farm.

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A. D. 1825.—REGULATION IX.:

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IV. Whenever an arrear of revenue shall accrue on account of any mehal for which an engagement may have been taken from the proprietors, or persons recorded as pro-

prietors, not being an estate of which the assessment has been fixed in perpetuity, and the malgoozars shall fail to discharge the same within one month of the date on which it became due, then, if there shall appear to be any objection to the sale of the estate, and the arrears cannot otherwise be recovered (on which points the decision of the Revenue authorities is to be held conclusive), it shall be competent to the Collector, or other Officer exercising the powers of Collector, with the sanction of the Board, and subject to the orders of Government, to annul the existing engagements with the malgoozars, and to let the mehal in farm for such period, not exceeding fifteen years, as the Governor-General in Council may appoint, or to hold the mehal under khas management for a like period. In such cases, if the mehal shall yield a higher jumma than that for which the malgoozars may have engaged, the excess shall in the first place be appropriated to the liquidation of the arrear due on account of it, or such portion thereof as the farmer may not have separately agreed to discharge, or as may not otherwise have been recovered, and, out of any surplus remaining, the malgoozars shall receive such malikanah, not being less than 5 per cent nor more than 10 per cent on the assessment of the last year of their engagement, as the Governor-General in Council may direct.

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ACT No. I. OF 1841:

AN ACT FOR FACILITATING THE COLLECTION OF THE REVENUE OF GOVERNMENT, AND DEFINING THE INTEREST INTENDED TO BE CONVEYED BY PUBLIC SALES FOR THE REALIZATION OF ARREARS OF THE PUBLIC REVENUE IN PUTTEEDAREE ESTATES.

1.—Recites deficiency of existing enactments for the protection of putteedars, and punctual realization of Government dues

2.—Defines the term "putteedaree estate," and explains who is lumberdar and who is putteedar

3.—Specifies five modes of duress allowable against certain putteedars

4.—If a puttee be knocked down to a stranger, any other putteedar not in arrears may claim right of pre-emption before Collector leaves office

5.—Collector to use his powers of duress, under such control as may be prescribed

6.—The sale of a puttee to be governed by the same rules as the sale of an entire mehal, except so far as permanent ryots are concerned.

7.—No member of a sold or transferred puttee to cultivate land therein, without first agreeing in writing to pay rent If parties cannot agree as to rent, a jury of the neighbourhood to decide.

8.—A duly certified copy of the jumma-wasil bakee and detailed khuteonee of the Tehseeldar to be sufficient proof of the arrears due

9.—Collector to give possession to purchasers, &c, under Regulation VII, 1822, Section 23

10.—Government entitled to hold all the proprietors and the entire estate responsible for the whole jumma

11.—Governor General in Council may extend this Act to any such district as he may deem expedient

I. THE Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue only against the person and property of the contract-

CHAPTER III. ing Lumberdár, leaving him to proceed against the Putteedars by suit or distraint; but with reference to the peculiar nature of these co-parcenaries, the existing enactments appear to be insufficient on the one hand for the protection of the rights of the Putteedars, and on the other hand for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the puttees of defaulting Putteedars in putteedaree estates, and in not defining the interest intended to be conveyed by public sales of such estates.

II. A putteedaree estate in this Act is held to be an estate which consists of two or more separate portions or puttees, or of which there may be proprietors possessed of separate properties, and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The proprietor who is a party in his own name is called a Lumberdar, and the proprietor who is not a party in his own is called a Putteedar.

III. It is hereby enacted that the following modes of duress may be enforced against all Putteedars whose tenure and interest may have been defined by a settlement formed according to Regulation VII. of 1822, as modified by Regulation IX. of 1833, whether every such Putteedar be in sole occupation of his puttee, or hold it in common with others.

First,—Issue of dustuks in the same manner and under the same limitation as authorized by the rules in force for Lumberdars.

Second,—Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against Lumberdars.

Third,—Transfer of the defaulting puttee in perpetuity to the members of any other puttee which may not be in arrear.

Fourth,—Annulment of the settlement, as regards the defaulting puttee and lease thereof, to the members of any other puttee which may not be in arrear, or to a stranger for any term not exceeding fifteen years.

Fifth,—Sale of the defaulting puttee by public auction, in which case the members of the remaining puttees who may not be in arrear are authorized to bid.

IV. And it is hereby enacted that, on occasion of the sale by public auction of any puttee, if the lot shall have been knocked down to a stranger, any Putteedar or other member of the co-parcenary, not being himself in arrear, may claim to take the said puttee at the sum last bid; provided that the said demand of pre-emption be made on the day of sale, and before the Collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted that the above methods be employed by the Collector or other officers vested with the powers of Collector, under such limitation and control as Government or other superior Revenue authorities shall see fit to prescribe or enforce.

VI. And it is hereby enacted that the sale of any puttee by public auction shall be effected, in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale, according to the rules prescribed by law from time to time for the sale of an entire mehal; and the puttee, after the sale shall have been duly confirmed, shall be the absolute property of the purchaser, save and except the rights of those ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted that, in case of the lease or other temporary transfer of any puttee as above said, no member of that puttee shall be entitled to cultivate any land therein during the term of such transfer; or in case of absolute sale, no member of the puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale, unless the said member of such sold or transferred puttee shall first execute a written engagement to pay rent to the purchaser or transferree at the rate demanded by the purchaser or transferree. Provided that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties, to cause the same to be fixed by a jury of the vicinage, in the mode directed by Sections 5 to 10, Regulation IX. of 1833.

VIII. And it is hereby enacted that a copy of the jumma-wasil-bakee and detailed khuteonee of the Tehseeldar, signed and sealed by him, and countersigned by the Canoongoes and Putwaree, exhibiting in detail the amount paid by and arrear

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due from each puttee, shall be taken to be sufficient evidence of the arrear due from that puttee, and these papers shall invariably be filed with the Collector's proceedings.

IX. And be it enacted that the Collector be empowered to give possession to all purchasers and transferrees under this Act, in the mode authorized by Clause 3, Section 23 of Regulation VII. of 1822.

X. And it is hereby enacted that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole jumma, and to enforce the existing regulations for the transfer or sale of the whole estate, whenever it shall appear to them just and expedient. In every such case it is hereby declared, in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the co-parcenary shall be annulled and forfeited, and the provision of Section 7 of this Act shall be applicable to every member of the co-parcenary.

XI. And it is hereby enacted that the Governor-General in Council may extend the provisions of this Act to any district to which, with reference to the nature of the tenures prevalent therein, its extension may be expedient, although no settlement of such district may have been made under Regulations VII. of 1822 and IX. of 1833, and the order of Government shall be sufficient authority for such extension.

ACT No. XII. OF 1841:

AN ACT FOR AMENDING THE BENGAL CODE IN REGARD TO SALES OF LAND FOR ARREARS OF REVENUE.

1.—Rescinds certain Regulations.

2.—Interest or penalty not to be demanded on arrears of land revenue.

I. WHEREAS it is deemed expedient, with a view to the benefit of the agricultural community, to regulate the number of periodical sales of estates for arrears of revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of mehals, the whole of the land revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the land revenue;

It is hereby enacted that Section 2, Regulation XIV., 1793; Section 2, Regulation III., 1794; Regulation XI., 1822, except Sections 36 and 38; and Regulation VII., 1830, are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

II. And it is hereby enacted that there shall be no demand of interest or penalty upon any arrear of land revenue which shall fall due after the date specified in Section 35 of this Act.

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A. D. 1845.—ACT I.:

AN ACT TO AMEND ACT NO XII., OF 1841, ENTITLED "AN ACT FOR AMENDING THE BENGAL CODE IN REGARD TO SALES OF LAND FOR ARREARS OF REVENUE."

WHEREAS it is found expendient to amend the existing law for the realization of the land revenue;

I. It is hereby enacted that from the last day of February, 1845, the third and following Sections of Act No. XII. of 1841 are repealed.

II. And it is hereby enacted that if the whole or a portion of a kist or instalment of any month of the era according to which the settlement and kistbundee of any mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of revenue.

III. And it is hereby enacted that, upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of revenue, and all demands which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of revenue, shall be paid up in each permanently-settled district or zillah under their jurisdiction; in default of which payment, the estates in arrear in those districts, except as hereinafter provided, shall be sold at public auction to the highest bidder. And the said Board shall give notice of the dates so fixed in the official *Gazettes*, and shall direct corresponding publication to be made, as far as regards each district, in the language of that district, in the office of the Collector or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate (or Joint Magistrate, as the case may be), Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every thannah station of that district; and the dates so fixed shall not be changed, except by the said Board, by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

IV. And it is hereby enacted that in districts not permanently settled, and in the Province of Benares, no sale shall

CHAPTER III. take place for arrears of land revenue or other demands of Government without the special sanction of the Sudder Board of Revenue, previously obtained, in each several case of sale. Provided that the said Board, at the time of authorizing such sale, shall fix the latest day on which in each case such arrears or demands shall be received.

V. Provided always, and it is hereby enacted, that no estates shall be sold for the recovery of arrears or demands of the descriptions mentioned below otherwise than after a notification, in the language of the district, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section 3 or 4 of this Act, as the case may be, in the office of the Collector or other Officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of the Principal Sudder Ameens and Sudder Ameens of the district, and in the Moonsiff's Court and Police Thannah of the division in which the estate to which the notification relates, or a part of it, is situated; the same to be certified by the receipt of the Officer at whose office such notification may have been affixed; and also at the Cutcherry of the Malgoozar of the estate, or at some conspicuous place upon the estate; the same to be certified by the peon or other person employed for the purpose.

First,—Arrears due from estates in the Province of Benares.

Second,—Arrears due from estates not permanently settled.

Third,—Arrears other than those of the current or of the preceding year.

Fourth,—Arrears due on account of estates other than that to be sold.

Fifth,—Arrears of estates under attachment by order of any judicial authority.

Sixth,—Arrears due on account of tuccavee poolbundee, or other demands not being land revenue, but recoverable by the same process as arrears of land revenue.

VI. And it is hereby enacted that the Collector or other Officer duly authorized to hold sales under this Act shall, as soon as possible after the latest day of payment fixed in the manner prescribed in Section 3 or 4 of this Act, issue

notifications in the language of the district, to be affixed in his own office and in the Court of the Judge of the district, and to be published in the official *Gazettes*, specifying the estate or estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the office of the Collector or other Officer as aforesaid; and except as hereinafter provided, all estates so specified shall, on the day notified for sale, or on the day or days following, be put up to public auction by and in the presence of the Collector or other Officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. And it is hereby enacted that whenever an estate is notified for sale as provided by Section 6 of this Act, the Collector or other Officer as aforesaid shall affix a proclamation in the language of the district in his own office, and, as soon thereafter as may be, in the Moonsiffs' Courts and Police Thannahs within which the estate, or any part of it, is situated, and also at the Cutcherry of the Malgoozar of the estate, or at some conspicuous place upon the estate, forbidding the ryots and under-tenants to pay rent to the defaulting proprietor or proprietors from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted that no claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government, shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance, or part of it, was in the Collector's hands, bar a sale, or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, the Collector shall have neglected or refused on insufficient grounds to transfer it to the credit of the estate.

IX. And it is hereby enacted that Collectors shall, at any time before sunset of the latest day of payment, receive as a deposit from any party not being a proprietor of the

CHAPTER III. estate in arrear, the amount of the arrear of revenue due from it to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate; and in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same, or any part thereof, it shall be competent to the Judge of the zillah in which such estate is situated to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the case of appellants and defendants; and if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party which would have been endangered or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit, with interest, from the proprietors of the said estate.

X. And it is hereby enacted that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance, duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI., 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of eighteen years; and no estate held under attachment by the Revenue authorities, otherwise than by order of judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment; and no estate held under attachment by a Revenue Officer, in pursuance of an order of judicial authority, shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted that it shall be competent to the Collector, at any time before the sale of an estate shall have commenced, to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue, at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the Collector to that effect in each case; and no sale of an estate shall

be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided, also, that an order for exemption by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted that sales shall ordinarily be made by the Collector, or other Officer duly authorized by Government in that behalf, in the land revenue Cutcherry at the sudder station of the district; provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry, whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted that in case the Collector or other Officer as aforesaid shall be unable, from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if having commenced it he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry, and so on from day to day, until he shall be able to commence upon or to complete the sale; but, with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted that on the day of sale fixed according to Section 6 of this Act, sales shall proceed in regular order, the estate to be sold bearing the lowest number on the towjee or registers in use in the Collector's office of the district being put up first, and so on in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section 15 of this Act.

XV. And it is hereby enacted that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid shall be required to deposit immediately, or as soon after the conclusion of the sale of the estate as the Collector

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may think necessary, either in cash, Bank of Bengal Notes, or Post-bills or Government Securities duly endorsed, twenty-five per cent. on the amount of his bid; and in default of such deposit, the estate shall forthwith be put up again and sold.

XVI. And it is hereby enacted that the full amount of purchase-money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth; and in default of payment within the prescribed period as aforesaid, then, and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold; and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold; and if default of payment of purchase-money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always that every such re-sale shall be made after notification, and in the forms prescribed by Section 6 of this Act, and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided, also, that payment, or tender of payment, by or on behalf of the proprietor of the arrear for which the estate was first sold, and of the arrear which may have subsequently become due, if such payment, or tender of payment, be made before sunset of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section 15 of this Act, shall bar such re-sale.

XVII. And it is hereby enacted that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section 16, or if preferred to the Collector for transmission to the Commissioner, on or before the tenth day from the day of sale, and not otherwise; and the Commissioner shall be competent, in every case of appeal so preferred, to annul any sale

of an estate made under this Act which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor; such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase-money during the period of its being retained in the Collector's office; and the order of the Commissioner shall in such cases be final.

XVIII. And it is hereby enacted that it shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case may annul the sale, and cause the estate to be restored to the proprietor, on such conditions as may appear equitable and proper.

XIX. And it is hereby enacted that all sales of which the purchase-money has been paid up as prescribed in Section 16 of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale as the first of the said thirty days; and sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day, as above provided.

XX. And it is hereby enacted that, immediately upon a sale becoming final and conclusive, the Collector, or other Officer as aforesaid, shall give to the purchaser a certificate of title in the following form:—

I certify that A. B. has purchased at public auction, under Act No. I. of 1845, Mehal C., and that his purchase has taken effect on and since the——day of——— (being the date of the day after that fixed for the last day of payment).

(Signed) D. E., Collector.

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified, and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moon-

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siff and Darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the estate, or in some conspicuous place on the estate ; and shall apply the purchase-money, first, to the liquidation of all arrears due upon the latest day of payment; and, secondly, to the liquidation of all outstanding demands debited to the mehal in the public accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following,—to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that if, prior to payment of any surplus that may remain of the purchase-money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts; and if the balance of purchase-money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid may be returned by him with interest.

XXI. And it is hereby enacted that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid, in the same manner as the becoming final and conclusive of sales is required to be notified by Section 20 of this Act ; and the amount of deposit and balance of purchase-money shall be forthwith returned to the purchaser, with interest thereon at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXIII. And it is hereby enacted that the party certified as the proprietor of an estate by purchase at public sale for

the recovery of arrears of revenue shall be answerable for all instalments of the revenue of Government which may fall due subsequently to the latest day of payment aforesaid.

XXIV. And it is hereby enacted that no sale for arrears of revenue, or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act, and expect the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under Section 18 of this Act, and except the action in the Civil Court be instituted within one year from the date of the sale becoming final and conclusive, as provided in Section 19 of this Act; and no person shall be entitled to contest the legality of a sale after having received any portion of the purchase-money. Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase-money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXVI. And it is hereby enacted that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in the permanently-settled districts of Bengal, Behar, Orissa, and Benares, shall acquire the estate free from all incumbrances which may have been imposed upon it after the time of settlement, and shall be entitled, after notice given under Section 10, Regulation V., 1812, to enhance at discretion (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:—

First,—Tenures which were held as istemraree or mokurraree at a fixed rent more than twelve years before the permanent settlement.

Second,—Tenures existing at the time of the decennial settlement which have not been, or may not be, proved to be liable to increase of assessment on the grounds stated in Section 51, Regulation VIII. of 1793.

Third,—Lands held by khoodkast or qudeemee ryots having rights of occupancy at fixed rents, or at rents assessable according to fixed rules under the Regulations in force.

Fourth,—Lands held under *bonâ fide* leases at fair rents, temporary or perpetual, for the erection of dwelling-houses or maunfactories, or for mines, gardens, tanks, canals, places of worship, burying-grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifth,—Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent, and area of the lands, the terms of the lease, and the names of the parties, shall at the same time be given by the latter to the Collector in every case; and the Collector shall be at liberty to object to the same, in the event of his seeing reason to believe that the security of the public revenue will be materially affected thereby. The exception declared in this clause shall not extend to leases objected to by the Collector, by a notification, to be fixed up in his office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided, also, that a purchaser of an estate at a sale for arrears of revenue shall be at liberty by suit in Court to set aside all such farms, although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVII. And it is hereby enacted that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in districts other than those mentioned in Section 26 shall acquire the estate free from all incumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or credited by the first engager or his representatives subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew; saving always and except *bonâ fide* leases of ground for the erection of dwelling-houses or buildings, or for offices thereunto belonging, or for

gardens, tanks, canals, water-courses, or the like purposes, which leases or engagement shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid, than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements stipulating for a lower rate of rent than would have been justly demandable for the land in consequence of abatements having been granted by the former Malgoozars from the old-established rates by special favor, or for a consideration, or the like; or in cases in which it may be proved that, according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted that it shall be competent to the Local Government, when it shall seem proper, at any time before a sale for arrear shall have been actually made, to direct it to be made subject to the leases, assignments, or other incumbrances with which a proprietor in possession, his ancestors or predecessors, may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct. Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend that by reason of the restriction the future realization of the revenue will be endangered, it shall be competent to the Local Government, at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section 19 of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made, without other restrictions than those contained in the exceptions specified in Clauses first to fifth of Section 26 of this Act. If, after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the mehal shall be sold without any other restriction than those contained in the exceptions specified in Clauses

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XXIX. And it is hereby enacted that, excepting co-partners of estates under butwarra who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. of 1814, any recorded or unrecorded proprietor or co-partner who may purchase, in his own name or in the name of another, the estate of which he is proprietor or co-partner, or who by re-purchase or otherwise may recover possession of the said estate after it has been sold for arrears under this Act; and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its incumbrances existing at the time of sale, and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

XXX. And it is hereby enacted that arrears of rent which on the latest day of payment may be due to the defaulter from his tenants, shall, in the event of a sale, be recoverable by him after the said latest day by any process except distraint which might have been used by him for that purpose on or before the said latest day.

XXXI. And it is hereby enacted that any Collector or Officer exercising the powers of Collector in respect of sales shall be competent to punish any contempt committed in his presence in open Cutcherry, or office for the time being, by fine to an extent not exceeding two hundred Company's rupees, commutable, if not paid, to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid shall carry his sentence into effect. Provided that an appeal from any order passed under this section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted that a default to make good a bid, by making the deposit required by Section 15 of this Act, shall be held to be a contempt.

XXXIII. And it is hereby enacted that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa, and Benares, now subject to the general regulations, and to the Ceded and Conquered Provinces similarly subject to the general regulations under the Government of the Presidency of Fort William in Bengal, and nothing in this Act contained shall affect land in the town of Calcutta, or the Settlements of Singapore, Penang, or Malacca.

B.—TUCCAVEE.

A. D. 1795.—REGULATION XLVI.:

A REGULATION FOR EXTENDING TO THE PROVINCES OF BENARES REGULATION XXXIII., 1793, ENTITLED "A REGULATION FOR RE-ENACTING, WITH "MODIFICATIONS THE RULES PASSED ON THE 11TH FEBRUARY AND 21ST "OCTOBER, 1791, FOR REPAIRING THE EMBANKMENTS KEPT IN REPAIR AT "THE PUBLIC EXPENSE; AND FOR ENCOURAGING THE DIGGING OF TANKS "OR RESERVOIRS AND WATER-COURSES, AND MAKING EMBANKMENTS."

I. The reasons assigned in the preamble to Regulation XXXIII., 1793, for providing for the repair of the embankments which are kept in repair at the public expense, and for encouraging the digging of tanks or reservoirs and water-courses, and making embankments, in the Provinces of Bengal, Behar, and Orissa, being equally applicable to the Province of Benares, the following rules have been enacted:—

II. The rules contained in Regulation XXXIII., 1793, are hereby extended to the Province of Benares, with this modification, that all proprietors of land applying for advances under Section 8 shall give the same securities as are required from farmers or other persons making such applications, who are not the proprietors of the land for the benefit of which the works are intended to be undertaken.

A. D. 1803.—REGULATION XLIV.:

A REGULATION PRESCRIBING RULES FOR THE REPAIR OF WATER-COURSES, WELLS, AND OTHER WORKS CONSTRUCTED FOR THE IMPROVEMENT OF THE CULTIVATION OF THE LANDS, AND KEPT IN REPAIR AT THE PUBLIC EXPENSE, IN THE PROVINCES CEDED BY THE NAWAB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY, AND FOR AFFORDING ENCOURAGEMENT TO INDIVDUALS TO CONSTRUCT SUCH WORKS.

It being necessary that provision should be made for the annual repair of certain embankments in different parts of the country which have been considered as public works, and have been kept in repair at the expense of Government, in consequence of their great extent, and the damage to which

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the districts and places for the protection of which they have been constructed would be liable from inundation in the event of their not receiving the necessary annual repairs; and there being the strongest grounds for believing that if the embankments, reservoirs, and water-courses in the estates of individuals, which are not considered as public works, were enlarged, or put into a proper state of repair, and new works of the same nature made, where necessary and practicable, a sufficient portion of the crops might be preserved in seasons of drought or inundation for the subsistence of the body of the people, and consequently the occurrence of famine be prevented; and the Governor-General in Council being therefore solicitous to encourage proprietors, farmers, and cultivators of land to undertake these important improvements in their estates and lands; the following rules are accordingly enacted.

* * * * *

VIII. Advances shall be made to proprietors and farmers of land, or dependent Talookdars, or under-farmers, or ryots, for the purpose of repairing or making embankments, or repairing, enlarging, or making tanks, reservoirs, or water-courses, under the conditions specified in the following sections.

IX. The applications for such advances are to be made in writing to the Collector of the zillah, and are to specify the nature and extent of the work for which they are required, the period by which it will be completed, and the amount of the advance solicited. The person applying for advances is to give security for the payment of the advance with interest, and also for the payment of the penalty to be exacted in the cases mentioned in Section 10, and shall specify in his application the security he may have to offer. Where the person making the application may be the proprietor of the lands for the benefit of which the works are intended, he shall give the like security as is required from farmers or other persons.

X. Persons receiving advances, and their sureties, are to bind themselves to repay the amount at such period or periods as may be agreed upon between them and the Collector, with interest at the rate of 12 per cent. per annum, and also to pay a penalty of twenty-five per cent. on the amount advanced, in the event of the works not being completed by the stipulated period, or of the money not being applied to the purpose for which it may have been advanced.

XI. The Collectors, upon the receipt of such written applications, are to forward them without delay to the Board

of Revenue, with any remarks which they may have to offer respecting them. The Board of Revenue, provided there shall appear to them no objection to the execution of the work proposed, and they shall be satisfied of the sufficiency of the security offered for the repayment of the required advance with interest, and for the discharge of the penalty in the cases mentioned in the preceding section, are empowered to authorize the Collector to make the required advance, upon the person applying for it and his surety executing the prescribed engagements.

XII. Upon the arrival of the period by which such works may have been stipulated to be completed, the Collector is to direct the Tehseeldar, or other Officer of Government upon the spot, or such person as he may deem it proper to appoint, to survey the works, and to report in what manner they have been executed; and in the event of their not having been completed according to the engagement, and by the stipulated period, or of the money not having been applied to the purpose for which it may have been advanced, he is to levy the penalty above directed, sending immediate information to the Board of Revenue of the exaction of it.

XIII. The Collectors are to transmit to the Board of Revenue, at such periods and in such form as they may direct, reports on the execution of the works for which advances may be made under this Regulation.

XIV. The Board of Revenue are empowered to receive applications for such advances in the first instance, and, provided there shall appear to them no objection to the work proposed to be executed, and the person making the application shall give the required security and execute the prescribed deeds, to order the Collector of the zillah to comply with it.

XV. If a work for which advances may be made under this Regulation shall not be completed by the stipulated period, and the person who may have received the advances can show good cause to the satisfaction of the Collector for not having finished it, he is to report the circumstances to the Board of Revenue, who are empowered to allow such further time for the completion of the work as they may judge proper.

A. D. 1806.—REGULATION VI. :

A REGULATION FOR THE MORE EFFECTUAL REPAIR OF EMBANKMENTS.

WHEREAS it is provided by Sections 2 and 3, Regulation XXXIII., 1793, that the embankments which are main-

CHAPTER III. tained at the expense of Government shall be repaired under the superintendence of the Collectors, subject to the control of the Board of Revenue; and whereas it has been judged expedient that this duty shall in future be performed under the directions of those Officers who, from local situation, possess the best means of forming a judgment of the repairs required, and of the manner in which such repairs may be made by the persons entrusted with the executive part of the duty; and whereas it is advisable that fixed and general rules should be established for preparing the annual estimates of the expense required for the repair of the said embankments, and for the audit of the accounts of the actual disbursement; and whereas it is essential that further provisions should be made for the more effectual repair of the embankments which the Zemindars and Talookdars are bound, under the conditions of the permanent settlement of the land revenue, to maintain at their own expense; the following rules have been enacted by the Governor-General in Council, which are to be immediately in force throughout all the provinces subject to the immediate Government of the Presidency of Fort William:—

II. Sections 2, 3, 4, 5, 6, and 7, Regulation XXXIII., 1793, and the corresponding provisions of Regulation XLVI., 1794, and likewise Sections 2, 3, 4, 5, 6, and 7, Regulation XLIV., 1803, are hereby rescinded.

III. The general charge of the embankments mantained in the different zillahs at the expense of Government, and the superintendence of the repairs of such embankments, shall be entrusted to Committees, consisting of the Magistrate, the Collector of the land revenue, the commercial residents, and generally of such other public Officers residing in the zillahs in which the said embankments are situated, as the Governor-General in Council shall think proper to nominate for the performance of that duty.

IV. The senior servant of the Company at each station shall be President of the Committee; and the Register attached to the Court of the zillah in which such Committee may be appointed shall be *ex-officio* Secretary to the Committee.

V. *First*,—It shall be the duty of the Committees to furnish the Governor-General in Council, as soon after the expiration of the rains in each year as may be practicable, with estimates of the expense which may be required for the repair of the embankments maintained by Government in the ensuing year.

Second,—To expedite and facilitate the duty prescribed in the preceding clause, the Collectors of the land revenue in those districts in which Committees may be established shall prepare, for the consideration of the Committees, estimates of the expense which may be required for the repair of the embankments in the ensuing season, accompanied with such information from the Officers employed in the performance of that duty, or from other persons, as the Collectors may deem necessary to enable the Committees to judge of the propriety of the estimates prepared by them.

Third,—In preparing the estimates mentioned in the preceding clause, the Collectors shall be at liberty to require the assistance of any person employed, with the sanction of Government, in the execution of the repair of the embankments, whether such person shall be an Engineer Officer or otherwise; and also the assistance of any of the subordinate Officers employed under such person in the repair of the embankments.

Fourth,—When the estimates shall have been so prepared, a meeting of the Committee shall be summoned, under the signature of the Secretary, at the station of the Magistrate and Collector, for the purpose of taking the estimates into consideration, together with any other points connected with the duty entrusted to them by this Regulation which may be proposed by any member of the Committee; and such meeting shall not on any account be postponed beyond the expiration of the month of December in each year.

Fifth,—When the estimates shall have been approved by the Committee, they shall be forwarded to the Secretary to Government in the Revenue Department, for the consideration of the Governor-General in Council, accompanied with any suggestions which may appear to the Committee to be necessary or proper, with the view of preserving the embankments in an efficient and complete state of repair.

Sixth,—Should any member be unable to attend the annual meeting of the Committee, he shall state the reasons of his absence to the Secretary to the Committee, and the Committee shall forward a copy of the letter of such absentee to the Governor-General in Council, together with their report upon the estimates, for his information.

VI. It shall likewise be the duty of the Collectors, aided by the Officers, both European and Native, who may be employed in the execution of the repair of the embankments, to

prepare the accounts of the actual expense incurred in each year on that account, unless it should appear to the Governor-General in Council to be preferable in any instance to commit this duty to any other member of the Committee, in which case the annual accounts and the annual estimates mentioned in Section 5 of this Regulation shall be prepared by such person as the Governor-General in Council may direct.

VII. The accounts shall be taken into consideration by the Committee, either at the annual meeting above prescribed, or at a special meeting convened for that purpose, or in circulation, as may be most convenient.

VIII. As soon as the accounts of the actual expenditure in each year shall have received the approbation of the Committee, they shall be forwarded to the Civil Auditor, who will submit them, with any observations which he may deem necessary, to the Governor-General in Council for his final orders.

IX. In those parts of the country in which it may not be convenient to appoint Committees, in consequence of the distance of the residence of most of the public Officers from the situation of the embankments,—as, for instance, at Tumlook and Hidgelee,—the duty entrusted by Sections 5 and 6 of this Regulation to the Collectors shall be performed by the Salt Agents, or by such other persons as the Governor-General in Council may direct ; and the general charge of the embankments shall be committed to the Board of Revenue, who shall conform, as nearly as local situation and other circumstances will permit, in the performance of that duty to the rules above prescribed for the conduct of the several Committees.

X. Previously to the annual meeting ordered to be holden in Clause 4th of Section 5 of this Regulation, a deputation shall be made of one or more members of the Committee at each station, for the purpose of examining in person the state of the embankments ; and such member or members shall communicate to the general meeting such observations as may have occurred to him or them respecting the actual state of the embankments, and any suggestions which may appear to be necessary for the purpose of preserving the embankments in an efficient state of repair. Those reports shall be regularly forwarded to the Governor-General in Council, together with the estimate of the expense required for the repair of the embankments in each successive year.

XI. The Committees in the several zillahs shall be vested with a general control over the embankments which are repaired

at the expense of the Zemindars and farmers, as well as those which are maintained by the Government. By this rule it is not intended to interfere with the Zemindars and farmers in the repair of the embankments situated in the lands held by them, so long as that duty shall be effectually and properly performed. The Committees shall, however, be at liberty, whenever they may deem it necessary to call upon any Zemindar or farmer, either by a perwannah from themselves or through the Collector, as may be deemed preferable, to make such repairs to the embankments situated in the lands of such Zemindar or farmer as may be required. Should any Zemindar or farmer, after the receipt of such perwannah, neglect to make the necessary repairs, the Committee shall submit to Government an estimate of the expense required for that purpose, and the repairs shall in all such cases be made by the Officers of Government, and the expense recovered from the Zemindar or farmer who was bound to keep the embankments in a proper state of repair. Provided, however, that in all such cases the accounts of the actual expenditure shall be forwarded through the channel of the Civil Auditor to the Governor-General in Council for his sanction, previously to the amount being charged to the account of the Zemindar or farmer.

XII. *First*,—Material injury and incovenience having been sustained from the abuse of the powers exercised by the holders and cultivators of land in making cuts and water-courses through the embankments, the following rules have been established for general observance with respect to that point :—

Second,—With the view of preventing, as far as may be practicable, the necessity of making cuts in the embankments, sluices of masonry shall be constructed at those places at which water-courses may be deemed more particularly necessary. The several Committees will accordingly report, whenever they may be of opinion that such sluices are absolutely necessary for the purpose of improving the cultivation of the country, and obviating the inconvenience and expense arising from making temporary water-courses at such places.

Third,—Whenever such sluices may be constructed, they shall be opened only by the Darogah or other Native Officer in immediate charge of the embankments, under such orders as the Darogah or other Officer may receive from the Committee, or from the person entrusted with the immediate superintendence of the repairs.

Fourth,—Whenever the holders or cultivators of land may be desirous that a water-course should be made through

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any part of the embankments where sluicesare not constructed, they shall state the circumstance to the Darogah, who will communicate the application to the person vested with the superintendence of the repair of the embankments; and that Officer will pass such orders on the subject as may appear to him to be proper, applying, whenever he may deem it necessary, to the Committee for their instructions on the subject.

Fifth,—In deciding upon applications of that nature, the Committees and Officers acting under their authority will particularly consider, not only the advantage which such persons may derive from opening the embankments, but likewise the injury which the lands of other persons may eventually sustain from that cause, and will order the embankments to be opened, or not, according as may appear to be most conducive to the general interests and prosperity of the country.

Sixth,—Should any person be guilty of the offence of making cuts through any of the embankments maintained at the expense of Government in any other manner than that prescribad in the two preceding clauses, he shall be liable to be prosecuted criminally before the Magistrate for such misdemeanour, who will decide on the case, or refer it to the Court of Circuit, according to the extent of the injury done by the offender, and the punishment to which the Magistrate may consider him to be liable.

Seventh,—Any person so offending will likewise be liable to be prosecuted in the Civil Court for damages by any person or persons who may have sustained any loss or injury from the improper opening of the embankments.

XIII. The rules contained in the foregoing section are to be considered applicable to the embankments repaired by the Zemindars and farmers, with this difference, that when any person may be desirous that water-courses should be made through any part of such embankments, they are to apply to the Zemindar or farmer, or to the Officers employed by him in superintending the repair of the embankments, who will decide on the application in conformity to the principle above stated; provided, however, that any persons who may be dissatisfied with the decision of the Zemindar or farmer, or of his Officers, shall be at liberty to submit a further application to the Committee, who will pass such orders on the subject as may appear to be just and reasonable. Any persons infringing this rule will be subject to the penalties stated in Clause sixth of the preceding section, and to a civil action for damages, at the suit of any individual as above mentioned.

CHAPTER IV.—REGISTRY AND RECORDS.

REGISTRY AND RECORDS.

A. D. 1795.—REGULATION VIII.:

A REGULATION FOR EXTENDING TO THE PROVINCE OF BENARES, WITH ALTERATIONS AND MODIFICATIONS, REGULATION IV., 1793, ENTITLED "A "REGULATION FOR RECEIVING, TRYING, AND DECIDING SUITS OR COM- "PLAINTS DECLARED COGNIZABLE IN THE COURTS OF DEWANNY ADAWLUT "ESTABLISHED IN THE SEVERAL ZILLAHS, AND IN THE CITIES OF PATNA, "DACCA, AND MOORSHEDABAD;" AND FOR EXEMPTING THE RAJAH OF BENARES, AND THE BABOOS OF THIS FAMILY, AND CERTAIN BANKERS, WHEN DEFENDANTS, FROM GIVING THE SECURITY REQUIRED FROM OTHER DEFENDANTS.

* * * * *

IV. *First*,—The rule contained in the following Clause is substituted in lieu of Section 9:—

Second,—That the quinquennial register of landed property paying revenue to Government, directed to be kept by Regulation XIX., 1795, may be complete, the City Court and the Zillah Courts are strictly enjoined to transmit to the Collector of Benares and to the Board of Revenue a copy of every decree that they may pass, or which may be sent to them to be enforced by the Provincial Court of appeal or the Sudder Dewanny Adawlut, regarding any talook, or zemindaree, or putteedaree, distinct or common, or other lands paying revenue immediately to Government, or in any wise concerning the possession of such land. The Judge is to transmit the copy of the decree within ten days after he may pass or receive it. The decree is to be attested with the signature of the Judge and the seal of the Court, and is to be accompanied with a short abstract of it, specifying the date of the decree, the names of the pergunnah or pergunnahs, the talook or talooks, the turif or turifs, the village or villages, or the kusmuts or portions of each, which may be decreed, the name or names of the person or persons last in possession, the person or persons to whom the lands may be decreed, and if the land be decreed to two or more persons, the share awarded to each person.

Third,—Peons deputed to serve summonses or execute process are to receive two annas per day each, instead of the rates specified in Section 20.

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A. D. 1795.—REGULATION LVIII.:

A REGULATION FOR GRANTING TO THE COLLECTORS A COMMISSION ON THE JUMMA OF LANDS WHICH MAY BE SUBJECTED TO THE PAYMENT OF REVENUE UNDER SECTION 26, REGULATION XIX., AND SECTION 21, REGULATION XXXVII., 1793, AND SECTION 26, REGULATION XLI., AND SECTION 21, REGULATION XLII, 1795, AND FOR DETERMINING ON WHAT AMOUNT SUCH COMMISSION, AND THE COMMISSION GRANTED TO COLLECTORS IN CASES OF LANDS BEING ADJUDGED LIABLE TO THE PAYMENT OF REVENUE IN CONSEQUENCE OF PROSECUTIONS, SHALL BE CALCULATED; AND FOR REQUIRING THE ZILLAH AND CITY COURTS IN THE FOUR PROVINCES TO TRANSMIT TO THE COLLECTORS AND THE BOARD OF REVENUE, COPIES OF CERTAIN DECREES IN SUITS BETWEEN INDIVIDUALS RESPECTING THE RIGHT TO LAND EXEMPTED FROM PAYMENT OF REVENUE; AND FOR DEFINING OF WHAT DECREES REGARDING MALGOOZAREE LAND IN ZILLAH AND CITY COURTS ARE TO FURNISH THE COLLECTORS AND THE BOARD OF REVENUE WITH COPIES, UNDER SECTION 9, REGULATION IV., 1793, AND SECTION 4, REGULATION VIII, 1795

* * * * *

III. The Judges of the Zillah and City Courts in the four provinces shall furnish the Collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals which they may pass, or which may be sent to them by superior Courts to enforce, by which the right in, or possession of, any lands held exempt from the payment of public revenue, under whatever description of grant the same may be so held, may be affected, in order that the Collectors may be enabled to make the necessary entries of the alterations in such right or possession to be inserted in the quinquennial register of lands held exempt from the payment of revenue, directed to be kept by Regulations XIX. and XXXVII., 1793, and XLI. and XLII., 1795. The copies of such decrees shall be transmitted by the Judge within twenty days after the same may be passed or received by him.

IV. The decrees regarding malgoozaree land which the Judges of the Zillah and City Courts in the four provinces are directed by Section 9, Regulation IV., 1793, and Section 4, Regulation VIII., 1795, to transmit to the Collector of the zillah, and to the Board of Revenue, are hereby declared to be such decrees only as affect the proprietary right in, or possession of, the land.

A. D. 1795.—REGULATION XIX.

A REGULATION FOR FORMING A QUINQUENNIAL REGISTER OF THE LANDED ESTATES IN BENARES SUBJECT TO THE PAYMENT OF REVENUE TO GOVERNMENT, AND OF THE AMOUNT OF THE FIXED ANNUAL REVENUE PAYABLE TO GOVERNMENT FROM EACH ESTATE.

THE public revenue assessed upon each estate under the rules for the permanent settlement being fixed in perpetuity; and each estate being liable in progress of time to be

divided and formed into two or more estates, either in consequence of one or more of the proprietors now possessing or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and the security of the public revenue depending upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Regulations V. and XXVII., 1795; and it being necessary for enabling the Officers of Government to apportion the public revenue in conformity to the rules contained in those Regulations, and for affording Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates, or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindaree or talook; and that every such union, and all such transfers, divisions, and allotments of the public revenue that have taken place since the commencement of the quartennial or decennial settlement, or which may hereafter occur, should be traceable with facility and certainty at any future period; the following rules have been enacted:—

II. *First*,—Every five years, the Collector of the land revenue in Benares is to prepare a register of all the estates in the province, of whatever denomination or description, the proprietors of which pay the public jumma, or revenue, assessed upon their estates, immediately to Government.

Second,—By the term estate is to be understood any land being malgoozaree, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government.

III. The names of the estates in each Sircar are to be arranged in alphabetical order, according to the English alphabet.

IV. Estates having names are to retain the names by which they are at present distinguished.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

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VI. Estates that have not been distinguished by any particular appellation are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate regarding the name to be given to the estate, the Collector shall name the estate, without reference to the Board of Revenue.

VII. *First*,—Where estates, in addition to their names, bear the distinguishing appellation of talook, tuppa, &c., they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations are to be inserted immediately after the names, as follows :—

Pessara, or
Singramow (tuppa or talook), &c.

Second,—Where a zemindaree or talook, from whatever cause, shall have been or may be divided into a number of puttees or shares, each consisting of a specific and ascertained proportion of the original estate, and the putteedars, or sharers, shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the zemindaree or talook of which they originally constituted a part, as follows :—

BUDLAPOOR, ... { Six annas.
Three annas.
Seven annas.

Third,—If any lands, villages, or mehals in an estate not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale or by any private act of the proprietor, and the new proprietor shall have entered into or may execute separate engagements to Government for the public revenue, the lands so transferred (which agreeably to Clause 2nd, Section 2, will form a separate estate) are not to be inserted under the head of the zemindaree or talook of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Fourth,—Under the head of each estate are to be specified the names of all the local divisions, and the villages

contained therein, alphabetically arranged, and, where procurable from the accounts or records that may be obtainable, the rukbah or measurement of each village, and the gross produce of it. Separate columns are to be allotted for the measurement of the villages and for their gross produce ; and where the measurement or the produce shall not be immediately procurable, the column for the measurement or the produce shall be left blank for the present, and be filled up at a future period whenever the villages may be measured by public authority, to settle any dispute, or for other purposes, or the measurement or the produce may be otherwise obtained.

Fifth,—Where an estate consists of one, two, or more villages, not comprising a whole pergunnah, the name of the pergunnah in which the estate may be situated is to be specified.

VIII. The annual revenue assessed upon each estate is to be inserted opposite to it in a separate column.

IX. The names of the proprietor or proprietors of every estate shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer is to be specified.

X. The quinquennial register to be first formed for the Province of Benares shall commence with the Fuslee year 1202, and shall exhibit the estates, and the required particulars respecting them, as they may stand at the end of that year. Upon this register being completed, a similar register shall be forthwith formed, to commence with the year 1197, and show the estates in the several Sircars as they stood at the end of that year, being the first of the quartennial and decennial settlements. The quinquennial register to be formed at the commencement of the year 1207 of the Fuslee era, and every succeeding five years is to exhibit the estates in the province as they may stand at that and each subsequent period.

XI. The register to be first formed, and to commence with the Fuslee year 1202, is to be numbered two. The register to be next formed, commencing with the year 1197, is to be numbered one. The register to be formed at the commencement of 1207 is to be numbered three, and every subsequent quinquennial register in the order in which it may be formed.

XII. The register is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue may be written, and

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is to be bound up in one volume, on the back of which there shall be the following inscription :—" Register of estates paying "revenue to Government in the Province of Benares at the "commencement of the year ——— Fuslee era, corresponding "with the year of our Lord ——— number ———."

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the Judge of the Dewanny Adawlut of the City of Benares; and on the last leaf of the book the Judge is to specify in his own handwriting the number of pages contained in it; and no register shall be considered as authentic but such as may be entered in a book so paged and attested.

XIV. It shall be the duty of the keepers of the native records, appointed under Regulation XXI., 1793 (extended to the Province of Benares by Regulation XXX., 1795), to keep an exact counterpart of the English Register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Dewanny Adawlut of the City of Benares, in the same manner as the books containing the English Registers; and no other counterparts of the registers of estates shall be considered as authentic but such as may be entered in a book so paged and attested.

XV. The counterpart registers are to be kept in the Persian language, and the Hindostanee language and Nagree character.

XVI. For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates, that orginally formed a part of the same zemindaree or talook, which may take place during the five years subsequent to the forming of each quinquennial register, the Collector is to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "Register of intermediate mutations in landed property," and have the following inscription on the back:— "Register of intermediate mutations in landed property between the commencement of the year ——— and the expiration of the year ——— Fuslee era." Previous to any entries being made in this register, it is to be paged, and the Judge of the Dewanny Adawlut of the City of Benares is to sign each leaf of it, and on the last leaf specify in his own handwriting the number of pages contained in the book. The Collector

shall cause to be entered in this register all divisions of estates, or transfers of estates, or portions of estates, and every union of estates, which originally constituted a part of the same zemindaree or talook, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature.

XVII. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the Collector is to insert in the quinquennial register, in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the Register of intermediate mutations in which the alteration may be noted, and at the end of the note of the alteration in the last-mentioned register he is to insert in red ink the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the Collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations is to specify the requisite particulars for completing the entries in the next quinquennial register, or refer to them, if they be contained in the preceding quinquennial register. The Collector is strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property being notified to him.

XVIII. A counterpart of the register of intermediate mutations in landed property is to be kept by the keepers of the native records, in the same form as the English Register, and in a book, the leaves of which are in like manner to be paged and attested by the Judge of the Dewanny Adawlut of the City of Benares.

XIX. When a quinquennial register shall have been transcribed fair into the book attested by the Judge of the City of Benares, as directed in Section 13, if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand; and the Collector is to cause the errors or omissions to be noted in the register of intermediate mutations, and attest

CHAPTER IV. the entry with his signature, and insert, in red ink, opposite to the erroneous of incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note specify the number of the page of the quinquennial register in which the property may be registered. Errors or omissions in the register of intermediate mutations are to be noted in a similar manner.

XX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records are to be noted by them in the same manner as the Collector is directed to note erroneous entries in the English Registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages, in addition to the attestation of the keepers of the native records, shall be signed by the Collector.

XXI. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a Court of Justice at the time of forming the first or any subsequent quinquennial register, the party in possession is to be registered as the proprietor.

XXII. *First*,—The Collector will be furnished, through the following channels, with the necessary information regarding the mutations in landed property, for making the requisite entries in the register of intermediate mutations.

Second,—The City Court and the Zillah Courts are required by Section 4, Regulation VIII., 1795, to transmit to him copies of all decrees that they may pass, or which may be sent to them to be enforced by the Provincial Court of appeal, or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Third,—The Board of Revenue is to furnish him with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta

Fourth,—In cases in which lands may be ordered to be sold at his Cutcherry, he will have in his own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth,—He will likewise have in his possession the requisite information respecting thedivision or union of estates which may take place under Regulation XXV., 1793, and

Regulation XXVI., 1795, by which it is directed that the division and union of all estates are to be made under his superintendence.

Sixth,—By Regulation XXVII., 1795, transfers of estates, or portions of estates, must be notified to him before the name of the new proprietor can be inserted in the register directed to be kept by the present Regulation.

Seventh,—The keepers of the registers established under Regulation XXXVI., 1793 (extended to Benares by Regulation XXVIII., 1795), are required by that Regulation to furnish him with the particulars of all transfers of landed property that may be entered in their registers.

XXIII. If a Collector shall have occasion to require from a Talookdar, Zemindar, or other proprietor, or the farmer of an estate, or from a Putteedar, distinct or common, or from an under-farmer, any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose, under his official seal and signature, the Collector is to report the circumstances to the Board of Revenue, for the information of the Governor-General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper, upon a consideration of the case, and his situation and circumstances in life. Upon receiving notice through the Board of Revenue of any such fines that may be imposed by the Governor-General in Council, the Collector is to levy the amount, by the process to which he is authorized to have recourse for the recovery of arrears of revenue.

XXIV. The Collector of Benares is to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the quinquennial register, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the Judge of the Dewanny Adawlut of the City of Benares, in the same manner as the original register, as directed in Section 13; and within one month after the expiration of the third, sixth, ninth, and twelfth month of each Fuslee year, an attested copy of the entries in the register of intermediate mutations that may have taken place during the three preceding months. The Collector is to transmit similar copies of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the Judges

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of the Dewanny Adawlut of the city and zillahs, and to the Provincial Court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers, and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the Collector.

XXV. The Courts of Judicature, the Board of Revenue, and the Collector are enjoined to be particularly attentive to the preservation of the quinquennial register, and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects.

XXVI. Upon the receipt of this Regulation, the Board of Revenue are to prepare forms for the quinquennial register and the register of intermediate mutations, so that the first-mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the sircars, pergunnahs, or other established divisions of the country in which the estates may be situated; and, after submitting the forms for the approbation of the Governor-General in Council, they are to transmit a copy to the Collector. The approved forms are not to be altered without the sanction of the Governor-General in Council, but the Board of Revenue are to suggest any improvements in the form that may occasionally occur to them, and in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this Regulation, the Collector is to proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the Fuslee year 1202, and to register all mutations in property in the Province of Benares that may take place subsequent to the receipt of this Regulation. When the quinquennial register for the above year is completed, or earlier if practicable, the Collector is to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the quartennial and decennial settlements, and to complete the register of intermediate mutations to the expiration of the year 1201.

XXVII. The quinquennial register to be formed at the commencement of the Fuslee year 1207, and at the commence-

ment of every succeeding five years, is to be prepared from the preceding quinquennial register, and the entries of subsequent mutations in property in the register of intermediate mutations. The materials for each quinquennial register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

XXVIII. No part of this Regulation is to be considered to preclude any person, who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the quinquennial register or the register of intermediate mutations as the property of any other person, from suing for the same in the Court of Dewanny Adawlut in which the claim may be cognizable.

A. D. 1795.—REGULATION XXX.:

A REGULATION FOR EXTENDING TO THE PROVINCE OF BENARES REGULATION XXI, 1793, ENTITLED, "A REGULATION FOR ESTABLISHING IN EACH ZILLAH AN OFFICE FOR KEEPING THE RECORDS IN THE NATIVE LANGUAGES WHICH RELATE TO THE PUBLIC REVENUE, AND PRESCRIBING RULES FOR THE CONDUCT OF THE KEEPERS OF THE RECORDS."

On grounds similar to those stated in Regulation XXI., 1793, for establishing an office in each Collectorship in the Provinces of Bengal, Behar, and Orissa, for keeping the records in the native languages which relate to the public revenue, the following rule has been enacted:—

II. An office shall be established in the Province of Benares for keeping all records and papers in the native languages which in any respect relate to the public revenue arising from the lands or other sources in the jurisdictions of the City Court and the Zillah Court, under the rules prescribed in Regulation XXI., 1793.

A. D. 1797.—REGULATION XV.

A REGULATION FOR LEVYING CERTAIN FEES TO DEFRAY THE EXPENSE OF THE OFFICES FOR KEEPING THE RECORDS IN THE NATIVE LANGUAGES WHICH RELATE TO THE PUBLIC REVENUE, ESTABLISHED UNDER REGULATIONS XXI., 1793, AND XXX., 1795.

Regulations XXI., 1793, and XXX., 1795, directing the appointment of keepers of the revenue records in the native languages, these officers have been nominated accordingly; but the Governor-General in Council deeming it reasonable that the individuals whose rights and property may derive additional security from this institution should con-

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II. *First*,—Fees at the following rates shall be levied by the Collectors of the revenue on the registry of any division, or union of an estate or estates, or of lands held exempt from the payment of revenue.

Second,—On any division of an estate or union of estates paying revenue to Government that may take place under Regulation XXV., 1793, or XXVI., 1795, at the rate of one quarter or four annas per cent. on the annual jumma, or revenue payable to Government, from the property included in the union or division.

Third,—On any division of the lands exempt from the payment of public revenue, or any union of such lands, forming originally part of the same grant, made by the proprietor or proprietors of the grant, at the rate of two and a half per cent. on the amount of the annual produce of the property included in the union or division.

III. *First*,—Fees at the following rates shall be levied by the Collectors on the registry of any transfer of the whole or the part of an estate or estates, or lands held exempt from the payment of revenue, by deed of sale, or gift, or otherwise.

Second,—If the estate shall be subject to the payment of revenue to Government, one quarter or four annas per cent. on the anual jumma or revenue payable to Government from the property transferred.

Third,—If the lands shall be held exempt from the payment of revenue to Government, two and a half per cent. on the amount of the annual produce of the lands transferred

IV. Throughout this Regulation, by the annual jumma payable to Government is to be understood the amount of the revenue payable to Government for the year in which the division, union, or transfer may be registered, according to the permanent settlement, or the engagements of the farmers if the lands be farmed, or the estimated receipts if no settlement of the lands shall have been concluded on the part of Government either with the proprietors or with farmers; and by the annual produce of lands held exempt from the payment of revenue is to be understood the amount of the rents received

and receivable by the proprietor or the possessor of the lands on account of the year preceding the year in which the division, union, or transfer may be registered; and the person in possession of such accounts shall be bound to produce them on a written requisition from the Collector, and shall be subject for non-compliance therewith to the payment of such daily fine, until the accounts be produced, as the Board of Revenue may think proper to impose, on a consideration of the situation and circumstances in life of the party.

V. The amount of the fees and the fines leviable under this Regulation shall be payable to the Collector on his demand, and if not discharged, shall be leviable by the same process as the payment of arrears of revenue due to Government may be enforced.

VI. No person shall be liable under this Regulation to the payment of a greater sum than one hundred sicca rupees on account of any transfer of an estate, or part of an estate, or of lands held exempt from the payment of revenue, or any division of an estate or the union of any estates, or of lands held exempt from the payment of revenue ; and accordingly, when the fee on any such transaction would, calculating according to the rates above prescribed, amount to a greater sum than one hundred sicca rupees, the excess above that sum shall not be demanded or received.

VII. The fees on the division of any estate or the union of estates paying revenue to Government, leviable under Section 2 of this Regulation, shall be paid, on the registry of the same, by the party or parties who are bound to pay the charges attending the division of estates under the rules prescribed in Regulation XXV., 1793, or XXVI., 1795 (according to the province in which the lands may be situated), and in the same proportions. If the property divided or united be lands held exempt from the payment of revenue, the fees shall be paid by the parties in whose names the property may be registered, in the proportion of their respective interests therein.

VIII. The fees on the transfer of landed property, by deed of sale or gift, or otherwise, leviable under Section 3, shall be paid by the party to whom the property may be transferred, on the transfer being entered in the public registers of lands.

IX. All sums which may be received by the Collectors under this Regulation shall be carried to the account of

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A. D. 1800.—REGULATION VIII.:

A REGULATION FOR PREPARING A GENERAL PERGUNNAH REGISTER OF LANDS; AND FOR CERTAIN ALTERATIONS IN THE PRESCRIBED REGISTERS OF ESTATES PAYING REVENUE, AND LANDS HELD EXEMPT FROM THE PAYMENT OF REVENUE.

By Regulations XLVIII., 1793, and XIX., 1795, a general register is directed to be kept of the landed estates assessed with the public revenue in Bengal, Behar, Orissa, and Benares, and by Regulations XIX. and XXXVII., 1793, XLI. and XLII., 1795, a register is required of all lands held exempt from the payment of revenue in the four provinces. In the former the names of the estates in each zillah are directed to be arranged alphabetically, and in both the names of the villages contained in the estate or grant are ordered to be specified, as well as the pergunnahs and other local divisions comprehended therein. This specification in the whole of the registers, which are directed to be prepared in three different languages, and (in addition to the original registers kept by the Collectors) to be copied for the use of the Courts of Judicature and Board of Revenue, has occasioned a voluminous detail, productive of delay in keeping up the original registers; at the same time that the form prescribed for those registers, and the necessary arrangement of them according to the estates and tenures included therein, prevent their showing, in a connected view, the state of the pergunnahs or other local divisions of the country, several of which, in some instances, are included in one estate, whilst in others a pergunnah comprises many distinct estates, or several small estates and portions of estates situated in different pergunnahs. To remedy the above inconvenience, as well as otherwise to facilitate the punctual preparation of the registers prescribed by the Regulations aforesaid; and to provide for a general register of the lands, whether malgoozaree or lakhiraj, according to their situation within the pergunnah or other established local division to which they are respectively annexed, the Governor-General in Council has enacted the following rules, to be in immediate force throughout the Provinces of Bengal, Behar, Orissa, and Benares.

II. The Collector of Benares, and the Collectors of the several zillahs in Bengal, Behar, and Orissa, on receipt of this Regulation, shall proceed to form a register of all the lands in their respective districts, of whatever description, to be deno-

minated "Pergunnah register of lands, malgoozaree and lakhiraj;" and to be prepared as hereafter directed.

III. *First*,—The register shall contain a distinct head for each pergunnah, or where no pergunnah division may have been established, for such local division as may have been established instead of a pergunnah, whether a tuppah, turruf, or of whatever other known denomination; but wherever the pergunnah division may exist, the lands within such division shall be registered under the head of the pergunnah.

Second,—The register of each pergunnah (or other local division where there may be no pergunnah) shall be divided into two parts,—the one for malgoozaree lands, or lands assessed for the public revenue; the other for lakhiraj lands, or lands exempted from the public assessment.

Third,—The malgoozaree part of the register shall comprize the following particulars of all lands within the pergunnah paying revenue to Government, to be specified distinctly for each estate situated therein:—

1.—Name of the estate to which the lands appertain, as entered in the register of estates paying revenue to Government prescribed by Regulation XLVIII., 1793, and Regulation XIX., 1795, with a reference to the number under which the estate may have been entered in such register.

2.—Name of the proprietor or proprietors of the estate, as also entered in the register of estates prescribed by the above Regulations.

3.—A detailed statement of the several villages, portions of villages, or other sub-divisions of each estate within the pergunnah, with an accurate enumeration of them, for the purpose of being referred to in the register of estates, as provided in Section 11 of this Regulation.

4.—The ruckbah, or measurement of each village or other sub-division, whenever the same may be ascertainable by public measurements to settle disputes, or otherwise.

5.—The gross rents of any village or other sub-division which may have been ascertained by a khas collection, attachment, or otherwise.

Fourth,—The lakhiraj part of the pergunnah register shall comprize the following particulars of all lands within the pergunnah not paying revenue to Government, to be specified distinctly for each lakhiraj tenure situated therein:—

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1.—Denomination of the tenure as entered in the register of lands held exempt from the payment of revenue to Government, prescribed by Regulations XIX. and XXXVII., 1793, XLI. and XLII., 1795, with a reference to the number under which the tenure may have been entered in such register.

2.—Name of the holder or holders of the tenure, as also entered in the register of exempted lands prescribed by the above Regulations.

3.—A detailed statement of the several villages, portions of villages, or other sub-divisions of each tenure within the pergunnah, with an accurate enumeration of them for the purpose of being referred to in the register of exempted lands, as provided in Section 11 of this Regulation.

4.—The Tukhba, or measurement of each village or other sub-division, wherever the same may have been reported by the holders of lakhiraj tenures under the requisitions contained in the Regulations above mentioned, or may be otherwise ascertainable.

5.—The gross rents of any village or other sub-division, the gross produce of which may have been ascertained.

IV. The first general pergunnah register shall be prepared for the current Bengal, Fuslee, and Willaity year 1207, in the districts wherein these eras are current respectively, and shall exhibit the required particulars respecting the malgoozaree and lakhiraj lands in the several pergunnahs as they stood at the commencement of that year of each era, so as to correspond with the quinquennial register of estates paying revenue to Government, No. 3, and the periodical registers of lands held exempt from the payment of revenue, No. 2, which by the Regulations above referred to are ordered to commence with the year 1207 of the era current in each province. This original pergunnah register is to be numbered one. A similar general register is to be prepared at the commencement of the Bengal, Fuslee, and Willaity year 1212, to be numbered two; and thereafter at the commencement of every fifth succeeding year, to be numbered in the order in which it may be formed.

V. For the purpose of recording any alterations in the particulars required to be entered in the quinquennial pergunnah registers which may take place during the interval of five years, the period prescribed for the formation of them, an

intermediate pergunnah register shall be kept under the same heads as directed for the general registers, in which all pergunnah annexations or separations, all divisions or transfers of estates, all new information obtained respecting the measurement or rents of land, all resumptions of lakhiraj exemptions, and generally all alterations in any of the particulars required to be entered in the pergunnah register of lands, malgoozaree and lakhiraj, shall be duly recorded, as soon as possible after such alterations may have taken place, with a note of reference to such parts of the last-formed quinquennial register as may be affected thereby. Provided, however, with respect to all transfers or divisions of estates in which an allotment of the public assessment may be necessary under the rules prescribed in Section 10, Regulation I., 1793, or any other Regulation, that no such transfer or division shall be registered until the assessment has been allotted as required by the Regulations; nor shall any entry in the pergunnah register be considered to affect the rights of Government, either with regard to lands assessed with the public revenue, or the lands held exempt from such assessment.

VI. The Board of Revenue are to furnish the Collectors of the several zillahs with a form for the pergunnah register required by this Regulation, which is to be kept in the Persian language, by the keepers of the native records appointed under Regulation XXI., 1793 (extended to Benares by Regulation XXXVII., 1795), with the assistance of such other Native Officers as may be appointed for this purpose. But the Collectors are to attest every page of the register prepared by them, after ascertaining that it is accurate, and are to cause the quinquennial register to be bound up as soon as completed, in a volume or volumes of uniform dimensions, each leaf of which, having been previously paged, is to be signed by the Zillah Judge (or by the City Judge in the Province of Benares), with a specification, on the last leaf of each volume, of the total number of pages contained in it, in the handwriting of the Judge, as prescribed by the existing Regulations with respect to the other registers thereby required. The intermediate register is also to be bound up, paged and attested, at the end of every Bengal, Fuslee, or Willaitee year, in the same manner as above directed with regard to the quinquennial register; and the Collectors are enjoined to be careful that the intermediate register is at no time allowed to fall in arrear.

VII. The pergunnah register to commence with the current year is to be prepared from the papers which have been

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VIII. The information required to be furnished for the register of intermediate mutations in landed property, and the register of intermediate resumptions or other occurrences respecting grants of exempted lands, will furnish the Collectors with the necessary materials for the intermediate pergunnah register prescribed by Section 5; but if any further information

should be requisite, they are authorized to require the same under the provisions and restrictions specified in the preceding section.

IX. The general register for the current year and subsequent intermediate register, if duly kept up, must furnish the Collectors with full materials for the quinquennial pergunnah register to be prepared in the year 1212, and at every future period. They are also to be careful to avail themselves of any occasional means of authentic information from public measurements, attachments, or otherwise; and it is expected that in the course of time their pergunnah registers will contain an accurate statement of the lands and rents throughout their respective districts. To promote the former object, they are further directed to note the boundaries of villages, or other sub-divisions, whenever the same may be ascertained; and also, as far as practicable, the limits of the pergunnahs (or other local divisions where there may be no pergunnahs) within their respective Collectorships. No change in the existing limits of pergunnahs, or in the mehals composing them, is to be made by the Collectors without the sanction of the Governor-General in Council; but if any Collector should judge it expedient to alter the existing boundaries of a pergunnah for the purpose of rendering it more compact, or otherwise, or to separate any village, talook, or other mehal from the pergunnah to which it may be now attached, and annex it to any other pergunnah, he shall state his reasons at large for such alteration to the Board of Revenue, who will submit the same to the Governor-General in Council, with their opinion upon the expediency of the alterations proposed, for his determination. Provided that whenever any such pergunnah separation or annexation may take place, it shall in no respect affect the rights of the proprietor or occupant of any village, talook, or other mehal included therein; and provided, further, that the above restriction against the alteration of existing pergunnahs without the sanction of the Governor-General in Council shall not be considered to preclude the Collector from re-annexing to their proper pergunnah any mehals which may have been separated therefrom by the landholders since the commencement of the Bengal, Fuslee, or Willaitee year 1197, and formed into separate turrufs, or otherwise.

X. Whenever any lands may be ordered to be separated from one zillah and annexed to another, the Collector of the zillah from which the separation may be made is to transmit to the Collector of the zillah to which the annexation is to be

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XI. A reference to the pergunnah register, when duly prepared according to the preceding sections, will at all times enable the Officers of Government to ascertain the several villages, portions of villages, or other sub-divisions of any estate included in the register of estates paying revenue to Government, or of any lakhiraj tenure included in the register of lands exempt from the payment of revenue, provided that each pergunnah (or other local division where there may be no pergunnah) in which any part of such estates or tenures may be situated, be specified in the said registers, with the number only of the villages, or other sub-divisions in each pergunnah. Such parts, therefore, of Regulations XIX., XXXVII., and XLVIII., 1793, and Regulations XIX., XLI., and XLII., 1795, as require a specification of the names of villages or other sub-divisions in the registers thereby prescribed, in addition to the names of the pergunnahs comprising such villages or other sub-divisions, are hereby rescinded; and in the registers prescribed by the above Regulations, to commence with the current Bengal, Fuslee, and Willaitee year 1207, as well as in all future registers, whether the general register of estates paying revenue, or of lands exempt from revenue, directed to be prepared at the expiration of every five years, or the intermediate registers of mutations, resumptions, and other occurrences, it is required only to specify the pergunnahs (or other local divisions where there may be no pergunnahs) in which any part of the estates and tenures included in the registers may be situated, with the exact number of villages or other sub-divisions appertaining to the estate or tenure, in each pergunnah register. The Collectors are enjoined to take the utmost care that the names of the pergunnahs (or other local divisions where there may be no pergunnahs), as well as the number of villages or other sub-divisions stated to be in each, are exactly conformable to the pergunnah register; and are to furnish their Native Officers appointed to prepare the counterpart registers with particular instructions for this purpose. The mode of correcting any mistakes in registers prescribed by the above-mentioned

Regulations has been provided for in them; and if any should occur in the pergunnah register, they are to be rectified in the same manner in the intermediate register prescribed by Section 5 of this Regulation.

XII. A reference to the pergunnah register will also show the measurement and rents of land, whenever the same may have been ascertained, and enable the Collectors to furnish this information to the Board of Revenue for public sales of land, or otherwise, when required. It will therefore be no longer necessary to include either of these items—*viz.*, the measurement or rents of land—in the registers of estates or of exempted lands prescribed by Regulations XIX., XXXVII., and XLVIII., 1793, or Regulations XIX., XLI., and XLII., 1795; and such parts of those Regulations as require the same to be inserted in the registers therein specified are hereby rescinded.

XIII. In Section 2, Regulation XLVIII., 1793, and Regulation XIX., 1795, prescribing a quinquennial register of estates paying revenue to Government, it is explained that "by the term estate is to be understood any land being malgoozaree, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government." But as this definition, strictly construed, would exclude estates held khas, in consequence of the proprietors having declined to engage for the public assessment thereupon, under the option given by the rules for the permanent settlement, as well as the estates of disqualified proprietors, which by those rules, and by Regulation X., 1793, were placed under the superintendence of the Court of Wards, as well as estates belonging to Government for the revenue of which no engagement may have been taken; and it being intended that all lands paying revenue to Government should be included in the registers of estates prescribed by Regulations XLVIII., 1793, and XIX., 1795, it is hereby further explained that by the term estate therein used is to be understood any land subject to the payment of revenue for which a separate engagement may have been executed to Government by the proprietor or by a farmer, or which may have been separately assessed with the public revenue, although no engagement shall have been executed to Government, as in cases where the estate may be held khas by a Sezawul or other Officer on the part of Government, or be managed by a Serberahkar for the benefit of a disqualified proprietor.

XIV. The "register of intermediate mutations in landed property," prescribed by Section 16, Regulations XLVIII., 1793,

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and XIX., 1795, was intended to include all alterations in any of the entries in the quinquennial registers which might take place within the periods at which these registers are directed to be prepared: all alterations in the amount of the annual revenue assessed upon estates should therefore be stated in the registers of intermediate mutations, whether proceeding from an allotment of the fixed assessment upon portions of divided estates in conformity to Section 10, Regulation I., 1793, and Section 7, Regulation XXVII, 1795, or from an increase or decrease of the assessment upon any estate, as fixed at the period of the permanent settlement, or subsequently thereto. In all such cases, the particulars of the allotment, increase, or decrease, are to be clearly stated in the register of intermediate mutations; and whenever an abatement of revenue may be inserted, the authority for such abatement is to be invariably quoted, with the date on which it may have been granted by the Governor-General in Council, and communicated by the Board of Revenue.

XV. Such parts of Regulations XIX., XXXVII., and XLVIII., 1793, and Regulations XIX., XLI., and XLII., 1795, as direct counterparts of the several registers therein specified to be kept in the Bengal and Hindostanee languages, are hereby rescinded, and in future it is required only that an exact counterpart of the several English registers be kept in the Persian language, to be prepared and authenticated as directed in the Regulations above mentioned. Such parts of those Regulations as direct the Collectors of the several zillahs to furnish copies of the prescribed registers to the Judges of the Dewanny Adawluts of their respective zillahs, and to the Provincial Courts of appeal in the jurisdiction of which their respective zillahs are included, or which require the Board of Revenue to furnish the Sudder Dewanny Adawlut with a copy of the prescribed registers for each zillah, are likewise hereby rescinded; and instead thereof, the Zillah and City Courts of Dewanny Adawlut and Provincial Courts of appeal are authorized, whenever they may have occasion to refer to any of the registers prescribed by the above Regulations or by the present Regulation, to require from the Collectors the production of the original register, or an attested copy of such part thereof as may contain the required information. The Collectors, on the receipt of such requisition, are immediately to transmit the original register, if it can be sent without inconvenience, under the care of one of their Native Officers, in whose custody it is to remain till returned; or, if the original register cannot be

conveniently sent, are to transmit without delay an accurate copy of such part thereof as may be required, under the attestation of their official signature. In like manner the Board of Revenue, on the requisition of the Court of Sudder Dewanny Adawlut, are to furnish any zillah register received by them which may be required by that Court, or a copy, attested by the signature of their Secretary or Accountant, of any part thereof which may be required. In the event of any register required by a Court of Justice not having been prepared, and the period fixed for its preparation having elapsed, the Collector is to explain to the Court the cause of such register not having been prepared, and the explanation so given is to be transmitted by the Court receiving it to the Governor-General in Council. Any person succeeding to the office of Collector, or invested with the temporary charge of such office, is also required, immediately on his taking charge, to ascertain whether the prescribed registers have been duly prepared; and if not, to report the same to the Board of Revenue, with any explanation he may have received of the omission, for the information of the Governor-General in Council.

XVI. The copies of the several registers which the Collectors of Bengal, Behar, and Orissa, by Section 22, Regulation XIX., Section 37, Regulation XXXVII., and Section 26, Regulation XLVIII., 1793; and the Collector of Benares, by Section 24, Regulation XIX., Section 42, Regulation XLI., and Section 37, Regulation XLII., 1795, are required to furnish to the Board of Revenue, shall be transmitted by the Collectors at the periods therein specified, in the English and Persian languages, to the Accountant of the Board of Revenue, who is to report to the Board any instances of the prescribed quarterly copies not having been received at the fixed periods, or of the quinquennial copies not having been received within the year at the commencement of which the quinquennial registers are directed to be prepared; and is to return to the Collectors for correction any copies of registers received from them which may not have been prepared according to the prescribed form. The Accountant is also to compare the assessment stated in the registers of estates paying revenue with the accounts of the permanent settlement deposited in his office, as well as with any accounts or information which may from time to time be communicated to him by the Board of Revenue of any authorized alterations in the assessment, whether from allotments of the fixed assessment upon divisions of estates, or from any increase or decrease of assessment, from

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whatever cause; and the Secretary to the Board of Revenue is to be careful that the Accountant is regularly informed of all such alterations which may be authorized. When the Collector may have omitted only to quote the authority for such alterations in his register of intermediate mutations, the copy of the register is to be returned to him by the Accountant to supply the omission; but if in any case it shall appear to the Accountant that the Collector has stated any alteration in the assessment of an estate without due authority, he is to report the same to the Board of Revenue, with any explanation given by the Collectors, for such orders as may be necessary, or for the determination of the Governor-General in Council.

XVII. The Board of Revenue are to furnish the Collectors with new forms for the several registers prescribed by Regulations XIX., XXXVII., and XLVIII., 1793, and Regulations XIX., XLI., and XLII., 1795, adapted to the alterations directed by the present Regulation; and the Collectors, on receipt thereof, are enjoined to prepare the quinquennial register of estates paying revenue, and periodical registers of lands held exempt from revenue, directed to be formed at the commencement of the current Bengal, Fuslee, and Willaitee year, with the least possible delay. They are also, without waiting for the completion of these general registers, to transmit to the Accountant of the Board of Revenue, as soon as possible, the quarterly entries in their registers of intermediate mutations and resumptions from the commencement of the current year, and are to be particularly careful that the same are regularly transmitted in future. The omission of the detail of villages, measurements, and rents in the whole of these registers, and the discontinuance of the counterparts in the Hindostanee and Bengal languages, will, it is expected, enable them to keep the several registers hereafter with the utmost punctuality; and to promote this material object, a sufficient number of Officers shall be appointed to assist the native record-keepers appointed under Regulation XXI., 1793, in keeping the pergunnah register prescribed by the present Regulation, as well as the Persian counterparts of the registers of estates paying revenue, and lands exempted from the payment of revenue, prescribed by the Regulations above mentioned; and in preparing the copies of these counterpart registers directed to be transmitted to the Accountant of the Board of Revenue. Such Officers shall as far as possible be selected from the Pergunnah Mohurrirs employed under the late Canoongoes, and shall be immediately proposed by the Collectors

to the Board of Revenue, with a statement of the allowances deemed necessary for them, in addition to any sums now received by them from Government under Section 34, Regulation VIII., 1793, and Regulation XXIV., 1793, therein referred to. The Collectors are at the same time to report to the Board of Revenue what parts of their present establishments can be appropriated to the payment of such allowances, and whether they would recommend any of the Native Officers now acting under them to be employed as proposed. They are also to report whether any and what number of native writers will be required to keep up the English registers of estates paying revenue, and lands exempted from payment of revenue, in addition to their assistants, who are to be employed upon this duty as far as their other business will permit; and it is expected that the Collectors themselves will give constant attention to the English registers, for all entries in which they are declared responsible, particularly to the registers of intermediate mutations, resumptions. and other occurrences in which the utmost accuracy is essentially necessary, and the transactions entered in which being occasional only, the entries can be easily made by the Collectors themselves in the original registers.

XVIII. On receipt of the reports required from the Collectors by the preceding section, the Board of Revenue are to submit to the Governor-General in Council the necessary establishments of Native Officers for keeping up the several registers prescribed; and if any additions to the present establishments should appear to them indispensably necessary for the purpose, they are to state the same to the Governor-General in Council for his determination. The Officers so appointed, or who may be hereafter appointed, for the purposes specified in the preceding section, shall not be removable, without proof of misconduct to the satisfaction of the Governor-General in Council. They are to be exclusively employed in preparing and copying the prescribed registers, whilst any part of these shall be in arrear, and, after completing the register directed to be prepared for the current year, are, with the least possible delay, to complete the registers in arrear for former years; but the preparation of the current year's registers is not to be delayed for those of former years, unless the Collectors shall judge it advisable in any instance, from the forward state of their registers for past years, or otherwise; in which case they are to report the same to the Board of Revenue, and to be guided by their instructions.

XIX. By Section 26, Regulation XIX., 1793, Section 21, Regulation XXXVII., 1793, and the corresponding sections in

CHAPTER IV. Regulations XLI. and XLII., 1795, all lands held exempt from the payment of revenue, which the holders may have omitted to register by the time prescribed in the publication therein referred to, are become subject to the payment of revenue, unless sufficient cause be shown to the satisfaction of the Governor-General in Council for their not having been registered within the limited period. It appearing, however, that the publications directed in Section 25, Regulation XIX., 1793, Section 20, Regulation XXXVII., 1793, and the corresponding sections in Regulations XLI. and XLII., 1795, have not in every instance been made as therein directed (*viz.*, the publication respecting lands held under badshahee grants, in the principal Cutcherry of the holders of such grants; and respecting other exempted lands, in the principal Cutcherry of every proprietor and farmer of land paying revenue to Government; and of every Native Collector, in lands held khas by Government; or when the estate, farm, or khas land may consist of two or more whole pergunnahs or portions of pergunnahs, in the principal Cutcherry of each pergunnah, or portion of a pergunnah, comprised in such estate, farm, or khas land), the Collectors are hereby further directed, immediately on the receipt of this Regulation, to ascertain whether the publications above specified have been duly made as prescribed, throughout their respective Collectorships; and if not, they are to cause the same to be made without delay, in the manner prescribed, as well as in their own Cutcherries, and in the Cutcherries of the Dewanny Courts situated within their respective zillahs, allowing the further period of one year from the date of such publications for the registry of the lands therein specified. After the expiration of such period, any unregistered land found to be held exempt from the payment of revenue is to be assessed, under the provisions contained in the above Regulations, whenever the same may be discovered; and the Collectors are to enter lands so assessed (together with all other lakhiraj lands which may be brought upon the public assessment) in their succeeding quinquennial register of estates paying revenue, as well as in their register of intermediate mutations.

XX. Whenever any new village may be established upon lands paying revenue to Government, the name of which shall not have been included in the list of villages delivered to the Collectors for the purpose of preparing the prescribed registers of these lands, the proprietor of the estate in which such new village may be situated, or the farmer, if the estates be let in farm by Government, or the Sarbarahkar, or Khas Officer, who may have the management of the estate, if it be sarbarahkaree

or khas mehal, is to give notice to the Collector, immediately on the establishment of such new village, that the same may be entered in the public registers. In default thereof, or in the event of its appearing that any village or other portion of an estate subject to the payment of revenue has been wilfully omitted in the village statements which the Collectors are authorized to require for the purpose of preparing the public registers, the village or other portion of an estate so wilfully omitted shall be liable to forfeiture to Government, if the statement which ought to have contained it shall have been furnished by the proprietor; or if furnished by a farmer, Sarbarahkar, Sezawul, or other Officer, the person who may have furnished the same shall be liable to a fine to Government, in such amount as the Governor-General in Council, on consideration of the circumstances of the case, may think proper to impose. The Collectors are to report all cases of this nature to the Board of Revenue, who are to submit the same, with their sentiments, for the determination of the Governor-General in Council.

XXI. That the Collectors may be regularly informed of all future changes in the property of malgoozaree estates or lakhiraj tenures within their respective zillahs, for the purpose of entering the same in the prescribed registers, all persons succeeding to the property of any malgoozaree estate or lakhiraj tenure, whether by inheritance, purchase, gift, or otherwise, are required to notify such succession, immediately after the same may have taken place, to the Collector of the zillah in which the estate or tenure succeeded to may be situated, and to furnish such information as may be necessary to enable the Collector to make the prescribed entries in the public registers. The Collectors, on receiving the notification, are to make such enquiry as may appear necessary to ascertain the truth of the alleged succession to, or transfer of, the property, and if the same shall appear to have taken place, are to make the requisite entries in the intermediate pergunnah register, in the intermediate register of mutations in lands paying revenue, and the intermediate register of occurrences respecting lands held exempt from the payment of revenue; provided, with regard to all such entries, that they shall not in any degree affect the rights of any party whose name may be registered therein as the ostensible proprietor of the land, or whose name may not have been registered as the proprietor, but who may establish a right of property in the Dewanny Adawlut, or otherwise. Any person succeeding to the property of a malgoozaree estate or lakhiraj tenure who may not give the notifi-

CHAPTER IV. cation above required to the Collector, or any person who may wilfully misrepresent to the Collector his having succeeded to the property of an estate or tenure to which, on enquiry, it may appear he has not succeeded, shall, for such omission or misrepresentation, be liable to a fine to Government, to be fixed by the Governor-General in Council, on a report from the Collector, through the Board of Revenue, of the nature and circumstances of the case. When the person succeeding to the estate or tenure may be a minor, or otherwise disqualified from giving himself the notice required, his guardian, or whoever may act for him in the management of the estate or tenure succeeded to, is to give the information required under the prescribed penalty.

XXII. The office of Canoongoe, sudder and mofussil, having been abolished, the records of the late Canoongoe Officers employed in the several zillahs are to be immediately delivered over to the Collectors, who are hereby authorized to require the same, and, if necessary, to proceed for the recovery of them in the mode prescribed by Section 16, Regulation III., 1794. The Board of Revenue are also to require from the late Sudder Canoongoes and their Naibs the whole of the records kept in their respective offices, and, after causing a list thereof to be taken, are to submit the same to the Governor-General in Council, with their sentiments in what manner such records should be disposed of for the public service. The several Collectors are likewise to furnish the Board of Revenue with a list of the records which may be delivered over to them under this section, and are to be careful that such records are preserved.

A. D. 1803.—REGULATION III.

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XI. *Second*,—The decrees regarding malgoozaree land to be transmitted, as above directed, to the Collector of the zillah and to the Board of Revenue, are such decrees only as affect the proprietary right in, or possession of, the land.

A. D. 1803.—REGULATION XXIII.:

A REGULATION FOR ESTABLISHING IN EACH ZILLAH IN THE PROVINCES CEDED BY THE NAWAUB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY, AN OFFICE FOR KEEPING THE RECORDS IN THE NATIVE LANGUAGES WHICH RELATE TO THE PUBLIC REVENUE, AND PRESCRIBING RULES FOR THE CONDUCT OF THE KEEPERS OF RECORDS.

It being essential to the future security of the dues of Government, and of the rights and property of individuals, that

all accounts and papers regarding the assessment, the allotment of the revenue on the shares of estates that may be divided, as well as all other documents in any respect relating to the public demand upon the lands, should be carefully preserved ; and the Governor-General in Council deeming it reasonable that the individuals whose rights and property may derive additional security from this institution should contribute towards defraying the expense attending it ; the following rules have been accordingly enacted :—

II. An office shall be established in each zillah for keeping all records and papers in the native languages which may in any respect relate to the public revenue.

III. The office shall be superintended by two natives, who shall form a part of the establishment of the Collector, and shall be styled " keepers of the revenue records in the native languages." They shall be appointed by the Governor-General in Council, and shall not be removable but for misconduct proved to his satisfaction. The office, however, is expressly declared not to be hereditary.

IV. The keepers of the records are to keep a register in the Persian language, and in the Hindoostanee language, of all accounts, papers, and documents in any respect relating to the public revenue, in a book or books which shall be paged, and each leaf of which shall be attested by the Judge of the Court of Adawlut of the zillah, and who shall insert in his own handwriting, on the last leaf of each book he may so attest, the number of pages contained in it. The accounts and papers now deposited in the several zillahs are to be first entered in the register, and the keepers of the records are to prepare a list of them for that purpose immediately upon the receipt of this Regulation.

V. The keepers of the records, or one of them, shall endorse on the back of every paper which may be registered the number of the page in which it may be registered, and attest the endorsement with his or their official signature.

VI. The keepers of the records are to be careful that the accounts and other records are not destroyed by insects, damp, or otherwise, and that they are not removed from the office of the Collector, without his express orders.

VII. If any papers or records entered in the register shall be destroyed in consequence of the neglect or any omission of the keepers of the records, or if any such records or papers

CHAPTER IV. shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their office.

VIII. The keepers of the records are enjoined to attend to all rules or orders respecting the duties of their office which may be prescribed to them by any Regulation published by order of Government, and also to any directions respecting the better keeping, preserving, or registering the accounts and other records of the zillah which may be issued to them by the Collector, under whose superintendence they are to perform the duties of their office.

IX. *First*,—Fees at the following rates shall be levied by the Collectors of the revenue on the registry of any division or union of an estate or estates, or of lands held exempt from the payment of revenue.

Second,—On any division of an estate or union of estates paying revenue to Government that may take place under the prescribed Regulations, at the rate of one quarter or four annas per cent. on the annual jumma or revenue payable to Government from the property included in the union or division.

Third,—On any division of lands exempt from the payment of public revenue, or any union of such lands, forming originally part of the same grant, made by the proprietor or proprietors of the grant, at the rate of two and a half per cent. on the amount of the annual produce of the property included in the union or division.

X. *First*,—Fees at the following rates shall be levied by the Collectors on the registry of any transfer of the whole or the part of an estate or estates, or lands held exempt from the payment of revenue, by deed of sale, or gift, or otherwise.

Second,—If the estate shall be subject to the payment of revenue to Government, one quarter or four annas per cent. on the annual jumma or revenue payable to Government from the property transferred.

Third,—If the lands shall be held exempt from the payment of revenue to Government, two and a half per cent. on the amount of the annual produce of the lands transferred.

XI. Throughout this Regulation, by the annual jumma payable to Government is to be understood the amount of the revenue payable to Government for the year in which the

division, union, or transfer may be registered, according to the permanent settlement, or the engagements of the farmers if the lands be farmed, or the estimated receipts if no settlements of the lands shall have been concluded on the part of Government either with the proprietors or with farmers; and by the annual produce of lands held exempt from the payment of revenue is to be understood the amount of the rents received and receivable by the proprietor or the possessor of the lands on account of the year preceding the year in which the division, union, or transfer may be registered; and the person in possession of such accounts shall be bound to produce them on a written requisition from the Collector, and shall be subject for non-compliance therewith to the payment of such daily fine, until the accounts be produced, as the Board of Revenue may think proper to impose, on a consideration of the situation and circumstances in life of the party.

XII. The amount of the fees and the fines leviable under this Regulation shall be payable to the Collector on his demand; and if not discharged, shall be leviable by the same process as the payment of arrears of revenue due to Government may be enforced.

XIII. No person shall be liable under this Regulation to the payment of a greater sum than one hundred sicca rupees on account of any transfer of an estate, or part of an estate, or of lands held exempt from the payment of revenue, or any division of an estate, or the union of any estates or lands held exempt from the payment of revenue; and accordingly, when the fee on any such transactions would, calculating according to the rates above prescribed, amount to a greater sum than one hundred sicca rupees, the excess above that sum shall not be demanded or received.

XIV. The fees on the division of any estate or the union of estates paying revenue to Government, leviable under Section 9 of this Regulation, shall be paid, on the registry of the same, by the party or parties who are bound to pay the charges attending the division of estates under the rules prescribed in Regulation XXVI., 1803, and in the same proportions. If the property divided or united be lands held exempt from the payment of revenue, the fees shall be paid by the parties in whose names the property may be registered, in the proportion of their respective interests therein.

XV The fees on the transfer of landed property, by deed of sale, or gift, or otherwise, leviable under Section 10,

CHAPTER IV. shall be paid by the party to whom the property may be transferred, on the transfer being entered in the public registers of lands.

XVI. All sums which may be received by the Collectors under this Regulation shall be carried to the account of Government, and the Collectors are required to grant receipts to the parties for the amount which may be paid by them respectively.

A. D. 1803.—REGULATION XLII.:

A REGULATION FOR FORMING A PERIODICAL REGISTER OF THE ZEMINDAREES AND OTHER LANDED ESTATES PAYING REVENUE TO GOVERNMENT IN THE PROVINCES CEDED BY THE NAWAUB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY.

WHEREAS every zemindaree or other land tenure is liable in progress of time to be divided and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and whereas the security of the public revenue depends upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Sections 37 and 38, Regulation XXV., 1803; and whereas it is necessary to enable the Officers of Government to apportion the public revenue in conformity to the rules contained in that Regulation, and to afford to Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, of the annual revenue charged upon each of them, and of the names of the proprietors, and also of the transfer of estates or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindaree, talook, or other land tenure; and that every such union, and all such transfers, divisions, and allotments of the public revenue which have taken place since the commencement of the settlement, formed under the proclamation issued by the Hon'ble the late Lieutenant-Governor and the Board of Commissioners under date the 14th of July, 1802, or which may hereafter occur, should be traceable with facility and certainty at any future period: and whereas it is also requisite for financial purposes, and for the information of the Courts of Judicature from or to whose juris-

diction any districts or lands may be transferred or annexed, that there should be a record of the transfer of all districts or lands from the jurisdiction of one zillah to that of another: and whereas it is necessary to provide for a separate general register of lands, whether subject to or exempted from the payment of public revenue according to their situation within the pergunnah or other established local division to which they are respectively annexed, for the purpose of exhibiting in a connected view the state of the pergunnahs or other local divisions of the country, several of which in some instances are included in one estate, whilst in others a pergunnah comprizes many distinct estates, or several small estates and portions of estates situated in different pergunnahs: the following rules have been accordingly enacted:—

II. *First*,—Every five years, the Collectors of the land revenue in the several zillahs in the Provinces ceded by the Nawab Vizier to the English East India Company shall prepare a register of all the estates in their respective zillahs, of whatever denomination or description, the proprietors of which pay the public jumma or revenue assessed upon their estates immediately to Government.

Second,—By the term estate is to be understood any land subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government by the proprietor or by a farmer, or which may have been separately assessed with the public revenue, although no engagement shall have been executed to Government, as in cases where the estate may be held khas by a Sezawal or other Officer on the part of Government, or be managed by a Sarbarahkar for the benefit of a disqualified proprietor.

III. The names of the estates in each zillah shall be arranged according to the amount of the annual jumma assessed on each estate, commencing with the estate yielding the most considerable revenue to Government.

IV. Estates having names shall retain the names by which they are at present distinguished.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estate shall henceforth bear the names by which they are at present distinguished.

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VI. Estates that have not been distinguished by any particular appellation shall be named by the proprietor or proprietors, and shall henceforth retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate regarding the name to be given to the estate, it shall be determined by a majority of the proprietors, or, in the event of the absence or disqualification of any of such proprietors, by a majority of those present who may be qualified to vote; with this provision, that where the votes and interest in the estate may be equal, or the proprietors shall neglect to give a name to the estate upon the requisition of the Collector, he shall name the estate, without reference to the Board of Revenue.

VII. *First*,—Where estates, in addition to their names, bear the distinguished appellation of talook, tuppa, &c., they shall be placed on the register according to the initial letters of their names, and any such distinguishing appellations shall be inserted immediately after the names as follows:—

Akberpore (tuppa or talook), &c.

Second,—Where a zemindaree, talook, or other land tenure, from whatever cause, shall have been or may be divided into a number of shares, each consisting of a specific and ascertained proportion of the original estate, and the sharers shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares shall be placed under the head of the zemindaree, talook, or other land tenure of which they originally constituted a part, as follows:—

AKBERPORE, { Six annas.
Three annas.
Seven annnas.

Third,—If any lands, villages, or mehals in an estate, not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale or by any private act of the proprietor, and the new proprietor shall have entered into or may execute separate engagements to Government for the public revenue, the lands so transferred (which agreeably to Clause 2nd, Section 2, will form a separate estate) shall not be inserted under the head of the zemindaree, talook, or other land tenure of which they

originally formed a part, as directed with regard to the estates described in the preceding clause, but they shall be considered as original and distinct estates, and be named under the rules above prescribed for the naming of estates.

Fourth,—If parts of the same estate shall be situated in different zillahs, and one engagement only shall have been executed by the proprietor to Government for the whole estate, in such case, the portions in each zillah shall be registered as kismuts, or parts of the estate, without any specification of the proportion that they may bear to the whole estate, which, under such circumstances, may not be ascertainable.

Fifth,—Under the head of each estate shall be specified the names of all the pergunnahs or other local divisions arranged as directed in Section 3, together with the exact number of villages or other sub-divisions appertaining to the estate.

VIII. Where estates consist of one, or two, or more villages, not comprising a whole pergunnah, the name of the pergunnah in which the estate may be situated shall be specified in the pergunnah register.

IX. The name or names of the proprietor or proprietors of every estate shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer shall be specified.

X. The periodical register to be first formed for the zillahs in the Provinces ceded by the Nawab Vizier to the English East India Company shall commence with the Fuslee year 1215, and shall exhibit the estates in the several zillahs, and the required particulars respecting them, as they may stand at the commencement of that year. Upon this register being completed, a similar register shall be forthwith formed, to commence with the Fuslee year 1210, and show the estates in the several zillahs as they stood at the commencement of that year. The periodical register to be formed at the commencement of the Fuslee year 1210, and every succeeding five years, shall exhibit the estates in each zillah as they may stand at that and each subsequent period.

XI. The register to be first formed, and to commence with the Fuslee year 1215, shall be numbered Two. The register to be next formed, commencing with the Fuslee year 1210, shall be numbered One. The register to be formed at the commencement of the Fuslee year 1220 shall be numbered Three, and every subsequent periodical register in the order in which it may be formed.

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XII. The register for each zillah shall be written on English paper, of the exact size of that on which the former hereafter directed to be prepared by the Board of Revenue may be written, and shall be bound up in one volume, on the back of which there shall be the following inscription:—"Register of estates paying revenue to Government in the Zillah of ———, at the commencement of the year ——— Fuslee era ———, corresponding with the year of our Lord ———. Number ———."

XIII. When the draft of the periodical register shall be completed, it shall be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the Judge of the Court of Adawlut of the zillah, and on the last leaf of the book the Judge shall specify in his own handwriting the number of pages contained in it; and no register shall be considered as authentic but such as may be entered in a book so paged and attested.

XIV. It shall be the duty of the keepers of the native records, appointed under Regulation XXIII., 1803, to keep an exact counterpart of the English register in each zillah, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the Judge of the Court of Adawlut of the zillah, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic but such as may be entered in a book so paged and attested.

XV. The counterpart registers shall be kept in the Persian language.

XVI. *First*,—For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates that orginally formed a part of the same zemindaree, talook, or other land tenure, which may take place during the five years subsequent to the forming of each periodical register, the Collectors shall prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "Register of intermediate mutations in landed property," and have the following inscription on the back:—"Register of intermediate mutations in landed property between the commencement of the year ——— and the expiration of the year ———, Fuslee era." Previous to any entries being made in this register, it shall be paged, and the Judge of the Court of Adawlut of the zillah shall sign each leaf

of it, and on the last leaf specify in his own handwriting the number of pages contained in the book. The Collector shall cause to be entered in this register all divisions of estates, or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same zemindaree, talook, or other landed tenure, that may take place during the five years subsequent to the formation of each periodical register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next periodical register, and shall attest the entry with his signature.

Second,—The register of intermediate mutations in landed property, directed to be kept by the foregoing clause, shall include all alterations in any of the entries in the periodical registers which may take place within the periods at which these registers are directed to be prepared. All alterations in the amount of the annual revenue assessed upon estates shall accordingly be stated in the registers above mentioned, whether proceeding from an allotment of the fixed assessment upon portions of divided estates in conformity to Section 37, Regulation XXVII., 1803, or from an increase or decrease of the assessment upon any estate as fixed at the period of either of the triennial settlements, or the quartennial settlement, or subsequently thereto. In all such cases, the particulars of the allotment, increase or decrease, shall be clearly stated in the register of intermediate mutations; and whenever an abatement of revenue may be inserted, the authority for such abatement shall be invariably quoted, with the date on which it may have been granted by the Governor-General in Council, and communicated by the Board of Revenue.

XVII. Whenever any estates or portion of estates shall be directed to be separated from one zillah and annexed to another, the Collector of the zillah from which the separation may be ordered to take place shall transmit to the Collector of the zillah to which the annexation is to be made a copy of the entries in the last periodical register formed prior to the separation which may relate to the several estates or portions of estate to be separated, and of any entries respecting them in the register of intermediate mutations which may have taken place subsequent to the forming of the last periodical register. These documents shall be entered by the Collector of the zillah to which the annexations may be directed to be made, in the register of intermediate mutations in his zillah, as materials for forming the next periodical register.

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XVIII. The Governor-General in Council will direct the order for the separations and annexations specified in the preceding article to be notified to the Courts of Judicature from the jurisdiction of which the separation is to take place, and also to the Courts to the jurisdiction of which the annexation is to be made. Upon the arrival of the period when the separation and annexation is to be carried into effect, the Collector of the zillah from which the separation may be made shall transmit to the Judge of the Court of Adawlut of his zillah, and also to the Provincial Court of appeal, copies of the entries in the last periodical register and register of intermediate mutations which may relate to the estates or portions of estates to be separated from his zillah; and the Collector to whose zillah the annexation may be made shall transmit copies of the above-mentioned entries (with which he is directed to be furnished by Section 17) to the Judge of his zillah, and to the Provincial Court of appeal. Immediately upon the receipt of these papers, the Courts from the jurisdiction of which the separations may be made shall transmit the papers in the causes depending before them, which, in consequence of the separation, may become cognizable in any other Provincial Court of appeal, or Zillah Court, to such Court, and cause notification thereof to be communicated to the parties in writing.

XIX. To facilitate reference, as well as the preparing of the new periodical register at the end of every five years, the Collector shall insert in the preceding periodical register, in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and at the end of the note of the alteration in the last-mentioned register he shall insert in red ink the number of the page in which the estate may be registered in the periodical register; and every such entry shall be signed by the Collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations shall specify the requisite particulars for completing the entries in the next periodical register, or refer to them if they be contained in the preceding periodical register. The Collectors are strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property, or any separation or annexation of lands from or to their respective zillahs, being notified to them through any of the channels specified in Section 24.

XX. A counterpart of the register of intermediate mutations in landed property shall be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which shall in like manner be paged and attested by the Judge of the Court of Adawlut of the zillah.

XXI. When a periodical register shall have been transcribed fair into the book, attested by the Judge of the zillah as directed in Section 13, if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries shall not be altered or erased, but shall stand; and the Collector shall cause the errors or omissions to be noted in the register of intermediate mutations, and attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate mutations shall be noted in a similar manner.

XXII. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records are to be noted by them in the same manner as the Collector is directed to note erroneous entries in the English registers; but the note of every such entry in the counterpart of the register of intermediate mutations in the Persian language shall, in addition to the attestation of the keepers of the native records, be signed by the Collector.

XXIII. If the proprietary right in an estate or the part of an estate shall be under litigation in a Court of Justice at the time of forming the first or any subsequent periodical register, the party in possession shall be registered as the proprietor.

XXIV. *First*,—The Collectors will be furnished, through the following channels, with the necessary information regarding the mutations in landed property, and the annexations to, or separations from, their respective zillahs, for making the requisite entries in the register of intermediate mutations.

Second,—The Zillah Courts are required by Section 11, Regulation III., 1803, to transmit to them copies of all decrees which they may pass, or which may be sent to them to be enforced by the Provincial Courts of appeal or the Sud-

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Third,—The Board of Revenue shall furnish them with the necessary particulars regarding all such lands as may be disposed off by them at public sale at Calcutta.

Fourth,—In cases in which lands may be ordered to be sold at their Cutcherries, they will have in their own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth,—They will likewise have in their possession the requisite information respecting the division or the union of estates which may take place under Regulation XXVI., 1803, that Regulation directing that the division and union of all estates shall be made under their superintendence.

Sixth,—By Section 37, Regulation XXV., 1803, transfers of estates or portions of estates must be notified to them before the name of the new proprietor can be inserted in the register directed to be kept by this Regulation.

Seventh,—The keepers of the registers established by Regulation XVII., 1803, shall furnish them with the particulars of all transfers of landed property which may be entered in their registers.

XXV. If a Collector shall have occasion to require from the proprietor or the farmer of an estate, or from a dependent talookdar or under-farmer, any information which may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the Collector with a written requisition for that purpose under his official seal and signature, the Collector shall report the circumstances to the Board of Revenue, for the information of the Governor-General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper upon a consideration of the case and his situation and circumstances in life. Upon receiving notice through the Board of Revenue of any such fines which may be imposed by the Governor-General in Council, the Collector shall levy the amount by the same process as he is authorized to have recourse to for the recovery of arrears of revenue.

XXVI. *First*,—The Collectors of the several zillahs shall transmit, as early as may be practicable, to the Board of

Revenue, an attested copy of the periodical registers, both in the English and the Persian languages, each in a book of the prescribed size, paged, and attested by the Judge of the Adawlut of the zillah, in the same manner as the original register, as directed in Section 13; and, within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fuslee year, an attested copy of the entries in the register of intermediate mutations which may have taken place during the three preceding months.

Second,—The copy of the periodical registers directed to be transmitted to the Board of Revenue by the foregoing clause, as well as the copies of the periodical registers directed to be transmitted to the Board of Revenue by Section 37, Regulation XXXI., and Section 37, Regulation XXXVI., 1803, shall be sent through the channel of the Accountant to that Board, who shall report to the Board any instances of the prescribed quarterly copies not having been received at the fixed periods, or of the quinquennial copies of the registers to be prepared from the commencement of the Fuslee year 1215 not having been received within the year at the commencement of which the quinquennial registers are directed to be prepared; and shall return to the Collectors for correction any copies of registers received from them which may not have been prepared according to the prescribed forms. The Accountant shall also compare the assessment stated in the registers of estates paying revenue with the accounts of the existing settlement in his office, as well as with any accounts or information which may from time to time be communicated to him by the Board of Revenue, of any authorized alterations in the assessment, whether from allotments of the assessment upon divisions of estates, or from any increase or decrease of assessment, from whatever cause; and the Secretary to the Board of Revenue will be careful that the Accountant is regularly informed of all such alterations which may be authorized. When the Collector may have omitted only to quote the authority for such alterations in his register of intermediate mutations, the copy of the register shall be returned to him by the Accountant to supply the omission; but if in any case it shall appear to the Accountant that the Collector has stated any alteration in the assessment of any estate without due authority, he shall report the same to the Board of Revenue, with any explanation given by the Collector, for such orders as may be necessary, or for the determination of the Governor-General in Council.

Third,—Whenever the Zillah Courts or the Provincial Court of appeal may have occasion to refer to any of the

CHAPTER IV. registers prescribed by the present Regulation, they are authorized to require from the Collectors the production of the original register, or an attested copy of such part thereof as may contain the required information. The Collectors, on the receipt of such requisition, shall immediately transmit the original register, if it can be sent without inconvenience, under the care of one of their native Officers, in whose custody it is to remain till returned; or if the original register cannot be conveniently sent, shall transmit without delay an accurate copy of such part thereof as may be required, under the attestation of their official signature. In like manner, the Board of Revenue, on the requisition of the Court of Sudder Dewanny Adawlut, shall furnish any zillah register received by them which may be required by that Court, or a copy, attested by the signature of their Secretary, or Accountant, of any part thereof which may be required. In the event of any register required by a Court of Justice not having been prepared, and the period fixed for its preparation having elapsed, the Collector shall explain to the Court the cause of such register not having been prepared, and the explanation so given shall be transmitted by the Court receiving it to the Governor-General in Council. Any person succeeding to the office of Collector, or invested with the temporary charge of such office, is also required, immediately on his taking charge, to ascertain whether the prescribed registers have been duly prepared; and if not, to report the same to the Board of Revenue, with any explanation he may have received of the omission, for the information of the Governor-General in Council.

XXVII. The Board of Revenue and the Collectors are enjoined to be particularly attentive to the preservation of the quinquennial register and registers of intermediate mutations, both in the English and Persian languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects.

XXVIII. Upon the receipt of this Regulation, the Board of Revenue shall prepare forms for the periodical register and the register of intermediate mutations, so that the first-mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the sircars, pergunnahs, or other established divisions of the country in which the estates in the several zillahs may be situated; and, after submitting the forms for the approbation of the Gover-

nor-General in Council, they shall circulate copies to the Collectors. The approved forms shall not be altered without the sanction of the Governor-General in Council, but the Board of Revenue are at liberty to suggest any improvements in the forms which may occasionally occur to them; and, in the event of their being adopted, they shall take place from the period fixed for forming the next periodical register, or at such other period as may be deemed advisable. Upon the receipt of this Regulation, the Collectors shall proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the Fuslee year 1215, and to register all mutations in property in their respective zillahs which may take place subsequent to the receipt of the Regulation. When the periodical register for the above-mentioned year shall be completed, or earlier if practicable, the Collectors shall proceed to prepare the quinquennial register which is to commence with the Fuslee year 1210, and to complete the register of intermediate mutations to the expiration of the year 1214.

XXIX. The periodical register to be formed in each of the zillahs in the provinces ceded by the Nawab Vizier to the English East India Company, at the commencement of the Fuslee year 1220, and at the commencement of every succeeding five years, shall be prepared from the preceding periodical register, and the entries of subsequent mutations in property in the register of intermediate mutations, with the omission or addition of any estates or portions of estates which may have been separated from the zillah, or annexed to it, subsequent to the forming of the last periodical register. The materials for each register will thus be ready upon the arrival of the period for preparing it, and the registers will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

XXX. The following rules are prescribed for forming a pergunnah register of lands subject to or exempted from the payment of public revenue in the provinces ceded by the Nawab Vizier to the English East India Company.

XXXI. The Collectors of the land revenue in the several zillahs in the provinces ceded by the Nawab Vizier to the English East India Company, on receipt of this Regulation, shall proceed to form a register of all the lands in their respective zillahs, of whatever description, to be denominated "Pergunnah Register of Lands, Malgoozaree and Lakhiraj," and to be prepared as hereafter directed.

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XXXII. *First*,—The register shall contain a distinct head for each pergunnah, or, where no pergunnah division may have been established, for such local division as may have been established instead of a pergunnah, whether a tuppah, turruf, or of whatever other known denomination; but wherever the pergunnah division may exist, the lands within such division shall be registered under the head of the pergunnah.

Second,—The register of each pergunnah (or other local division where there may be no pergunnah) shall be divided into two parts,—the one for malgoozaree lands, or lands assessed for the public revenue; the other for lakhiraj lands, or lands exempted from the public assessment.

Third,—The malgoozaree part of the register shall comprise the following particulars of all lands within the pergunnah paying revenue to Government, to be specified distinctly for each estate situated therein:—

1. Name of the estate to which the lands appertain, as entered in the register of estates paying revenue to Government prescribed by Section 2 of this Regulation, with a reference to the number under which the estate may have been entered in such register.

2. Name of the proprietor or proprietors of the estate, as also entered in the register of estates prescribed by the above section.

3. A detailed statement of the several villages, portions of villages, or other sub-divisions of each estate within the pergunnah, with an accurate enumeration of them, for the purpose of being referred to in the register of estates, as provided in Section 41 of this Regulation.

4. The ruckbah, or measurement, of each village or other sub-division, whenever the same may be ascertainable by public measurements, to settle disputes or otherwise.

5. The gross rents of any village or other sub-divisions which may have been ascertained by a khas collection, attachment, or otherwise.

Fourth,—The lakhiraj part of the pergunnah register shall comprize the following particulars of all lands within the pergunnah not paying revenue to Government, to be specified distinctly for each lakhiraj tenure situated therein:—

1. Denomination of the tenure as entered in the register of lands held exempt from the payment of revenue to Government prescribed by Regulations XXXI. and XXXVI., 1808, with a reference to the number under which the tenure may have been entered in such register.

2. Name of the holder or holders of the tenure, as also entered in the register of exempted lands prescribed by the above Regulations.

3. A detailed statement of the several villages, portions of villages, or other sub-divisions of each tenure within the pergunnah, with an accurate enumeration of them, for the purpose of being referred to in the register of exempted lands, as provided in Section 41 of this Regulation.

4. The ruckbah, or measurement of each village, or other sub-division, wherever the same may have been reported by the holders of lakhiraj tenures, under the requisitions contained in the Regulations above mentioned, or may be otherwise ascertainable.

5. The gross rents of any village or other sub-division the gross produce of which may have been ascertained.

XXXIII. The first general pergunnah register shall be prepared for the Fuslee year 1215, and shall exhibit the required particulars respecting the malgoozaree and lakhiraj lands in the several pergunnahs, as they stood at the commencement of that year, so as to correspond with the periodical register of estates paying revenue to Government No. 2, and the periodical register of lands held exempt from the payment of revenue No. 2, which, by the Regulations above referred to, are ordered to commence with the Fuslee year 1215. This original pergunnah register shall be numbered one. A similar general pergunnah register shall be prepared at the commencement of the Fuslee year 1220, to be numbered Two; and thereafter at the commencement of every fifth succeeding year, to be numbered in the order in which it may be formed

XXXIV. For the purpose of recording any alterations in the particulars required to be entered in the periodical pergunnah registers which may take place during the interval of five years, the period prescribed for the formation of them, an intermediate pergunnah register shall be kept, under the same heads as directed for the general registers, in which all pergunnah annexations or separations, all divisions or transfers of estates, all new information obtained respecting the measure

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ment or rents of land, all resumptions of lakhiraj exemptions, and generally all alterations in any of the particulars required to be entered in the pergunnah register of lands, malgoozaree and lakhiraj, shall be duly recorded, as soon as possible after such alterations may have taken place, with a note of reference to such parts of the last-formed quinquennial register as may be affected thereby. Provided, however, with respect to all transfers or divisions of estates in which an allotment of the public assessment may be necessary, under the rules prescribed in Section 37, Regulation XXV., 1803, or any other Regulation, that no such transfer or division shall be registered until the assessment has been allotted, as required by the Regulations; nor shall any entry in the pergunnah register be considered to affect the rights of Government, either with regard to lands assessed with the public revenue, or the lands held exempt from such assessment.

XXXV. The Board of Revenue shall furnish the Collectors of the several zillahs with a form for the pergunnah register directed to be formed by Section 33 of this Regulation, which shall be kept in the Persian language only, by the keepers of the native records appointed under Regulation XXXIII., 1803, with the assistance of such other native Officers as may be appointed for this purpose. The Collectors shall attest every page of the register prepared by them, after ascertaining that it is accurate, and are to cause the periodical register to be bound up, as soon as completed, in a volume or volumes of uniform dimensions, each leaf of which, having been previously paged, shall be signed by the Zillah Judge, with a specification, on the last leaf of each volume, of the total number of pages contained in it, in the handwriting of the Judge, as prescribed by the existing regulations with respect to the other registers thereby required. The intermediate register shall also be bound up, paged, and attested at the end of every Fuslee year, in the same manner as above directed with regard to the quinquennial register; and the Collectors are enjoined to be careful that the intermediate register be at no time allowed to fall in arrear.

XXXVI. The pergunnah register to commence with the Fuslee year 1215 shall be prepared from the papers which shall be furnished by the proprietors and farmers of lands paying revenue. or by the holders of land exempt from the payment of revenue for the registers of these lands respectively, required to be kept by Regulations XXXI. and XXXVI., 1803, and by Section 2 of this Regulation; as well as from

any other materials which may be procured for the quinquennial registers of estates paying revenue, and the periodical registers of exempted lands directed to be prepared at commencement of the Fuslee year 1215. Whatever further papers or information may be requisite for the exact ascertainment of portions of estates situated within different pergunnahs, or the precise number and names of villages appertaining to the several estates in each pergunnah; or for the purpose of ascertaining any of the particulars to be specified under the three first heads of the malgoozaree part of the pergunnah register, or the four first heads of the lakhiraj part of the register, as stated in Clauses third and fourth of Section 32 of this Regulation, the Collectors are authorized to require the same from the proprietors, farmers, and under-tenants of malgoozaree lands, or from the holders of lakhiraj lands, in the same manner as they are authorized by the Regulations above mentioned to require from such persons any information which may be necessary to enable them to form the registers therein prescribed, and under the same penalties for non-compliance. But the Collectors shall not require from the proprietors or farmers of malgoozaree lands, or from their under-tenants, any papers or information respecting the measurement or rents of such lands ; nor from the holders of lakhiraj lands any papers or information respecting the rents of lands of this description, for the purpose of entering the same in the pergunnah register; it being intended only that the measurement and rents of malgoozaree lands, and the rents of lakhiraj lands, should be entered in the register when the same may be ascertained by public measurements, khass collections, attachments, or such other occasional means as may furnish the necessary information for completing these subsidiary heads of the pergunnah register, which are to be left blank until such information may be obtained.

XXXVII. The information required to be furnished for the register of intermediate mutations in landed property, and the register of intermediate resumptions, or other occurrences respecting grants of exempted lands, will furnish the Collectors with the principal materials for the intermediate pergunnah register prescribed by Section 34. Whatever further information may be requisite, the Collectors are authorized to require the same, under the provisions and restrictions specified in the preceding section.

XXXVIII. The general register for the Fuslee year 1215, and subsequent intermediate register, if duly kept up,

CHAPTER IV. must furnish the Collectors with full materials for the quinquennial pergunnah register to be prepared in the year 1220, and at every future period. They will also be careful to avail themselves of any occasional means of authentic information from public measurements, attachments, or otherwise; and it is expected that, in the course of time, their pergunnah registers will contain an accurate statement of the lands and rents throughout their respective districts. To promote the former object, they are further directed to note the boundaries of villages, or other sub-divisions, whenever the same may be ascertained, and also, as far as practicable, the limits of the pergunnahs, (or other local divisions where there may be no pergunnahs) within their respective zillahs. No change in the existing limits of pergunnahs, or in the mehals composing them, shall be made by the Collectors without the sanction of the Governor-General in Council; but if any Collector should judge it expedient to alter the existing boundaries of a pergunnah, for the purpose of rendering it more compact or otherwise, or to separate any village, talook, or other mehal from the pergunnah to which it may be now attached, and annex it to any other pergunnah, he shall state his reasons at large for such alterations to the Board of Revenue, who will submit the same to the Governor-General in Council, with their opinion upon the expediency of the alterations proposed, for his determination. Provided that whenever any such pergunnah separation or annexation may take place, it shall in no respect affect the rights of the proprietor or occupant of any village, talook, or other mehal included therein; and provided, further, that the above restriction against the alteration of existing pergunnahs without the sanction of the Governor-General in Council shall not be considered to preclude the Collector from re-annexing to their proper pergunnah any mehals which may have been separated therefrom by the landholders since the commencement of the Fuslee year 12 , and formed into separate turrifs or otherwise.

XXXIX. Whenever any lands may be ordered to be separated from one zillah and annexed to another, the Collector of the zillah from which the separation may be made shall transmit to the Collector of the zillah to which the annexation is to be made, an attested copy of all entries relative to the lands transferred in the last-formed quinquennial pergunnah register, as well as any entries relative thereto in the subsequent intermediate register, together with any other information which may have been obtained respecting such lands. These documents will enable the Collector of the zillah to which the

lands may be annexed to make the necessary entry of them in his intermediate pergunnah register, as well as in the new general register which may be prepared by him.

XL. Whenever any new village may be established upon lands paying revenue to Government, the name of which shall not have been included in the list of villages delivered to the Collectors for the purpose of preparing the prescribed registers of these lands, the proprietor of the estate in which such new village may be situated, or the farmer if the estate be let in farm by Government, or the Sarbarahkar or Khas Officer who may have the management of the estate if it be a Sarbarahkaree or Khas mehal, shall give notice to the Collector, immediately on the establishment of such new village, that the same may be entered in the public registers. In default thereof, or in the event of its appearing that any village or other portion of an estate subject to the payment of revenue has been willfully omitted in the village statements which the Collectors are authorized to require for the purpose of preparing the public registers, the village or other portion of an estate so willfully omitted shall be liable to forfeiture to Government, if the statement which ought to have contained it shall have been furnished by the proprietor; or if furnished by a farmer, Sarbarahkar, Sezawul, or other Officer, the person who may have furnished the same shall be liable to a fine to Government in such amount as the Governor-General in Council, on consideration of the circumstances of the case, may think proper to impose. The Collectors shall report all cases of this nature to the Board of Revenue, who shall submit the same, with their sentiments, for the determination of the Governor-General in Council.

XLI. That the Collectors may be regularly informed of all future changes in the property of malgoozaree estates or lakhiraj tenures within their respective zillahs, for the purpose of entering the same in the prescribed registers, all persons succeeding to the property of any malgoozaree estate or lakhiraj tenure, whether by inheritance, purchase, gift, or otherwise, are required to notify such succession, immediately after the same may have taken place, to the Collector of the zillah in which the estates or tenure succeeded to may be situated ; and to furnish such information as may be necessary to enable the Collector to make the prescribed entries in the public registers. The Collectors, on receiving notification, shall make such enquiry as may appear necessary to ascertain the truth of the alleged succession to or transfer of the property, and, if the

CHAPTER IV. same shall appear to have taken place, shall make the requisite entries in the intermediate pergunnah register, in the intermediate register of mutations in lands paying revenue, and the intermediate register of occurrences respecting lands held exempt from the payment of revenue ; provided, with regard to all such entries, that they shall not in any degree affect the rights of any party whose name may be registered therein as the ostensible proprietor of the land, or whose name may not have been registered as the proprietor, but who may establish a right of property in the Court of Adawlut, or otherwise. Any person succeeding to the property of a malgoozaree estate or lakhiraj tenure who may not give the notification above required to the Collector, or any person who may wilfully misrepresent to the Collector his having succeeded to the property of an estate or tenure to which on enquiry it may appear he has not succeeded, shall, for such omission or misrepresentation, be liable to a fine to Government, to be fixed by the Governor-General in Council, on a report from the Collector, through the Board of Revenue, of the nature and circumstances of the case. When the person succeeding to the estate or tenure may be a minor, or otherwise disqualified from giving the notice required, his guardian, or whoever may act for him in the management of the estate or tenure succeeded to, shall give the information required under the prescribed penalty.

XLII. A sufficient number of native Officers shall be appointed to assist the native record-keepers appointed under Regulation XXIII., 1803, in keeping the pergunnah register prescribed by Section 31 of this Regulation, as well as the Persian counterparts of the registers of estates paying revenue to Government directed to be formed by Section 2 of the present Regulation, and of lands exempted from the payment of revenue prescribed by Regulations XXXI. and XXXVI., 1803. The Collector shall furnish the Board of Revenue with a statement of the additional establishments of native Officers which they may consider indispensably necessary to enable them to perform the duties above mentioned, and of the allowances proposed to be granted to such Officers respectively. The Collectors shall at the same time report to the Board of Revenue what parts of their present establishments can be appropriated to the payment of such allowances; and whether they would recommend any of the native Officers now acting under them to be employed as proposed. The Collectors will also report whether any and what number of native writers will be required to prepare the English registers of estates

paying revenue, and lands exempted from the payment of revenue, in addition to their assistants, who are to be employed upon this duty, as far as their other business will permit; and it is expected that the Collectors themselves will give constant attention to the English registers, for all entries in which they are declared responsible; particularly to the register of intermediate mutations, resumptions, and other occurrences in which the utmost accuracy is essentially necessary, and the transactions entered in which being occasional only, the entries can be easily made by the Collectors themselves in the original registers.

XLIII. On receipt of the reports required from the Collectors by the preceding section, the Board of Revenue shall submit to the Governor-General in Council the necessary establishments of native Officers for keeping up the several registers prescribed; and if any additions to the present establishments should appear to them indispensably necessary for the purpose, they will state the same to the Governor-General in Council for his determination. The Officers appointed, or who may be hereafter appointed, for the purposes specified in the preceding section, shall not be removable without proof of misconduct to the satisfaction of the Governor-General in Council. They shall be exclusively employed in preparing and copying the prescribed registers whilst any part of this shall be in arrear, and, after completing the register directed to be prepared from the commencement of the Fuslee year 1215, shall with the least possible delay complete the registers in arrear for former years; but the prepartion of the current registers shall not be delayed for those of former years.

XLIV. No part of this Regulation shall be considered to preclude any person who may deem himself entitled to any estate or portion of an estate paying revenue to Government which may be entered in the periodical register, or the register of intermediate mutations, as the property of any other person or persons, from suing for the same in the Court of Adawlut in which the claim may be cognizable.

CHAPTER V.—FIDUCIARY DUTIES.

A.—Court of Wards. | B.—Civil Court.
C.—Nuzzool.

A.—COURT OF WARDS.

A. D. 1803.—REGULATION LII.

A REGULATION FOR ESTABLISHING A COURT OF WARDS IN THE PROVINCES CEDED BY THE NAWAB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY.

Whereas it is provided, in the proclamation published by the Honorable the late Lieutenant-Governor and the Board of Commissioners, in the provinces ceded by the Nawab Vizier to the Honorable the English East India Company under date the 14th of July, 1802, relative to the settlement of the land revenue in the said provinces, that the settlement shall be concluded with the Zemindars or other actual proprietors of the soil, excepting in cases in which they shall be deemed to be disqualified, from the badness of their character, or from other good and sufficient cause; and whereas it is essential to the interests and happiness of minors, and of such females as shall not be deemed competent to the management of their own estates, and of idiots, lunatics, and other proprietors of land paying revenue to Government, who are or may be rendered incapable of managing their lands, by natural defects or infirmities, of whatever nature, that the lands of persons coming within the above descriptions should be managed, for the benefit of the proprietors, by persons appointed to the trust by Government; and that a Court of Wards should be instituted, with powers to superintend the conduct and inspect the accounts of the managers, of the estates of such persons, and with instructions to provide for the education of minors, in a manner suitable to their rank and circumstances in life; the following rules have been accordingly enacted:—

II. The Board of Revenue is hereby constituted a Court of Wards, for the superintendence of the persons and estates of Zemindars and other actual proprietors of land paying revenue to Government who are or may be disqualified for the management of their own lands, in consequence of their coming under any of the descriptions of disqualified landholders specified in Section 3 of this Regulation.

III. With the exception specified in Section 7 of this Regulation, the superintendence of the Court of Wards shall

extend to the persons and estates of all proprietors of entire estates paying revenue immediately to Government, who are or may be females not deemed by the Governor-General in Council competent to the management of their own estates, minors, idiots, lunatics, or others rendered incapable of managing their estates by natural defects or infirmities of whatever nature, as well as all proprietors of such estates who are or may be deemed disqualified on account of notoriously bad character. To prevent misconstruction, it is declared that by the terms "all proprietors of entire estates paying revenue immediately to Government" are meant every such disqualified person who may be the sole proprietor of an estate, and any two or more persons being proprietors of the whole of an estate, both or all of whom may be so disqualified.

IV. The superintendence of this Court shall not extend to proprietors of estates not paying revenue immediately to Government, nor to joint proprietors of estates paying revenue immediately to Government, both or all of whom may not be of the descriptions specified in Section 3 of this Regulation.

V. *First*,—Where more proprietors than one possess an undivided estate, and the whole of them be not within the description of disqualified landholers specified in Section 3, the settlement shall be made with them jointly, and they are required to elect a sarbarahkar, or manager, who shall have the exclusive management of their lands during the continuance of his appointment. The determination of the majority of the proprietors, or of the majority of those present in the event of the absence of any, shall be binding on the remainder in the choice of a manager; and when the votes of the proprietors are equal, the election of the manager shall be determined by the greater interest of the proprietors in the property. If in any case the interest also be equal, the manager shall be appointed by the Board of Revenue.

Second,—In instances where part of the proprietors described in the foregoing clause may be minors, lunatics, idiots, or others having guardians, such guardians shall vote for them.

Third,—If the joint proprietors of undivided estates, the whole of whom may not be of the descriptions of disqualified landholders mentioned in Section 3, shall neglect to elect a sarbarahkar, on the requisition of the Collector of the revenue of the zillah in which such estates may be situated, the latter is authorized to nominate a manager for the approba-

CHAPTER V. tion of the Board of Revenue, which manager, when confirmed by that Board, shall have the exclusive management as long as it may be deemed advisable to continue him in that trust. The expense attendant on the appointment of the manager shall nevertheless be defrayed by the proprietors, who shall also be responsible for the discharge of the public revenue.

Fourth,—The determination of the majority of the proprietors present, under the restrictions specified in Clause first of this section, shall also be binding on the remainder in agreeing or disagreeing to the jumma proposed for undivided estates: the sharers, however, if dissatisfied, may obtain a division of their lands, and a proportionate allotment of the revenue asssessed thereon, but at their own expense.

Fifth,—The rules contained in the present Regulation for the management of the persons and estates of disqualified landholders shall not be held applicable to proprietors, managers, and guardians of the descriptions specified in the foregoing clauses of this section.

VI. The lands of disqualified landholders of the descriptions specified in Section 3 (with the exception specified in Section 7) shall not be liable to be sold for arrears of public revenue on account of the period during which such lands may be under the charge of the Court of Wards. In like manner, the persons of disqualified landholders shall be exempted from arrest and confinement for arrears of revenue incurred whilst their respective estates were under the charge of managers, in conformity to the rules contained in this Regulation. The Collectors are also prohibited from ordering any disqualified female proprietor of land to attend them in person, under any pretext whatever.

VII. The ordinary jurisdiction of the Court of Wards is declared to extend to such estates only as devolve to disqualified landholders in the regular course of inheritance, on the demise of the party from whom they inherit the same. All landed estates, whether subject to, or exempt from, the payment of revenue, which have or may become the property of any disqualified landholder, by purchase, gift, or in virtue of any other right, excepting that of inheritance, as aforesaid, are declared exempt from the jurisdiction and authority of the Court of Wards; and if subject to the payment of public revenue, shall be liable to sale for arrears thereof, and all other demands on the part of Government, in the same manner as if the proprietor or proprietors were not under any disqualification.

Provided, however, that it shall be competent to the Governor-General in Council to commit to the charge of the Court of Wards any estate paying revenue to Government, being the sole property of any disqualified person, or of any two or more persons, both or all of whom may be disqualified, although the same shall not have descended to such person or persons in the regular course of inheritance as aforesaid, and also any lakhiraj lands belonging to such proprietor or proprietors, whenever the same shall appear to him for the interests of Government, and the proprietor or proprietors; and such estate and lands so committed to the charge of the Court of Wards shall be exempt from sale for arrears of revenue accruing whilst they shall be under the charge of the Court, and shall be considered in all respects, as far as regards the management of them by the Court, the same as if they had devolved to the proprietor or proprietors in the regular course of inheritance as aforesaid, and the proprietor or proprietors shall in all respects be treated by the Court accordingly.

VIII. The Collectors of the revenue shall ascertain and report to the Board of Revenue, both now and hereafter, what proprietors in their respective zillahs may come within the descriptions of disqualified landholders specified in Section 3; and the following rules are prescribed for ascertaining the existence of the stated ground of disqualification in the first instance, and also for enabling proprietors of certain descriptions who may have been or may be declared disqualified, to recover the management of their estates, when the ground of their disqualification may be removed.

IX. *First*,—If a proprietor of land shall be reported disqualified solely from being a female, the Board of Revenue, in their capacity of a Court of Wards, shall immediately proceed to take the estate under their care, reporting the circumstance to the Governor-General in Council, who reserves to himself the power of declaring any female proprietor whom he may deem competent to the management of her own estate exempt from the operation of this Regulation.

Second,—If a Collector shall report a proprietor of land to be disqualified on the ground of minority, the Board of Revenue, in their capacity of a Court of Wards, provided they shall see no reason to doubt the nonage of the proprietor, shall take the estate under their care, and report the circumstance to the Governor-General in Council. If a Collector shall report any proprietor to be a minor, and the proprietor, or any person on his behalf, shall deny that he is under age,

CHAPTER V. such proprietor or person shall be at liberty to represent the circumstances to the Court of Adawlut of the zillah wherein the estate may be situated, the Judge of which shall forward the representation to the Sudder Dewanny Adawlut, which Court shall issue a precept, under the seal of the Court, and attested by the Register, to the Judge of the zillah, or to the Provincial Court of appeal, to call the proprietor before the Court and ascertain his age, by the evidence on oath of not less than three credible persons well acquainted with him, and also by such other enquiries as may appear to the Court calculated to ascertain the truth, and certify its proceedings, including any representations or evidence which the proprietor, or any person on his behalf, may have to adduce, with its opinion on the case, to the Sudder Dewanny Adawlut, which Court shall determine whether such proprietor be a minor or not. The decision of the Sudder Dewanny Adawlut shall be final, and the Court shall certify a copy of its decision to the Governor-General in Council, who will order the estate to be put under the charge of the Court of Wards, or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be a minor, or otherwise.

Third,—If a proprietor of land shall be deemed disqualified, on the ground of lunacy, idiotism, or other disqualifying natural defect or infirmity, the Board of Revenue shall order the Collector to represent the circumstances, through the Vakeel of Government, to the Court of Adawlut of the zillah, the Judge of which shall transmit a copy of the representation to the Sudder Dewanny Adawlut. This Court shall issue a precept to the Court of appeal of the division, or to the Judge of the zillah within the jurisdiction of which the proprietor may reside, to bring him before the Court, to ascertain his actual state by ocular proof; and the Court shall further take the declaration upon oath of no less than three credible persons acquainted with the party, setting forth their opinion of his condition, with the grounds of it. The Court shall transmit all its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which Court shall determine finally whether the stated ground of disqualification be well founded, or not, and certify a copy of its decision to the Governor-General in Council, who will order the Court of Wards to take the estate of the proprietor under their care, or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be disqualified, or otherwise.

Fourth,—If a proprietor of land shall be deemed disqualified, on the ground of notoriously bad character, the

Board of Revenue shall instruct the Collector to submit a statement of the circumstances, through the Vakeel of Government, to the Judge of the Adawlut of the zillah, who shall forward it to the Sudder Dewanny Adawlut. This Court shall issue a precept to the Judge of the zillah, or to the Provincial Court of appeal, to enquire into the circumstances of the case, in the presence of the party, or his Vakeel, who are respectively to be allowed to produce any evidence which they may have to adduce. The Court shall report the result of its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which Court shall finally determine whether the stated ground of disqualication be well founded, or not, and report its decision to the Governor-General in Council, who will order the estate to be committed to the charge of the Court of Wards, or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be disqualified, or otherwise.

Fifth,—Persons not born in a state of idiotism, but who may have been declared by the Sudder Dewanny Adawlut disqualified as lunatics, shall be produced annually before the Judge of the Adawlut in the jurisdiction of which they may reside, or oftener if he shall think fit, in order to ascertain whether they be restored to sanity or otherwise; and if in any instance the ground of disqualification shall appear to the Judge to be completely removed, he shall immediately report the same, with a full relation of the circumstances of the case, to the Sudder Dewanny Adawlut, which Court shall finally determine whether the ground of disqualification be removed, or not. The Court shall communicate its decision to the Governor-General in Council, who will order the Court of Wards to deliver over the charge of the proprietor, or not, according as the ground of his disqualification may be adjudged by the Court removed, or otherwise.

Sixth,—Any person who may have been adjudged disqualified, on any of the grounds specified in Clauses second, third, or fourth, and who may deem the ground of his disqualification removed, shall be at liberty to represent the circumstances to the Judge of the Adawlut of the zillah, who shall forward the representation to the Sudder Dewanny Adawlut. This Court shall issue a precept to the Judge of the Zillah Court, or to the Provincial Court of appeal, to enquire into the case, and to receive such evidence as the disqualified proprietor may have to offer in support of his representation. The Court shall report the result of its enquiry, with its opinion thereon, to the Sudder Dewanny Adawlut, which Court shall determine

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X. The trusts of manager for disqualified landholders, and guardian to them, shall be considered altogether distinct; but, as hereafter specified, they may in some instances be vested in the same person; and the rules contained in the following sections relative to managers and guardians respectively are founded on this distinction.

XI. Where the trusts of manager and guardian are vested in different persons, the former shall have the care of the estates, real and personal; the latter, the care of the person, maintenance, and if a minor, the education of the ward.

XII. The manager, who shall be denominated sarbarahkar, shall be chosen by the Collector, subject to the approbation of the Court of Wards; and his commission shall be signed by the Collector, and authenticated by his official seal. In recommending persons for this trust, capacity for the business, goodness of character, and sufficient responsiblity are to be particularly attended to. The managers of the estates of disqualified landholders shall be chosen without any regard to their connection with the proprietors, or to the will of the disqualified proprietors themselves in the election of such managers, who are to be considered in every respect the Officers of Government, acting under the Collectors; and the latter will be held responsible for the nomination of proper persons, both as to character and capacity for the trust. The Collectors will take into immediate consideration the conduct of the present sarbarahkars of the estates of disqualified landholders during the period they have acted as managers respectively; and if, from a deficiency in the collections, or misappropriation of their receipts, or other cause, they shall see reason to be dissatisfied with the conduct of any manager, they will report the same to the Court of Wards, and propose the removal of such manager, with their recommendation of a person better qualified to succeed him.

XIII. The manager, previous to the receipt of his commission, shall give security for his appearance during the continuance of it, and shall execute the following obligation:—

"I, A. B., having voluntarily taken on myself the management of the estate of C——, disqualified proprietor of D——,

do hereby solemnly promise and engage to manage the said estate diligently and faithfully for the said proprietor, to use every means in my power to improve the same for his or her benefit, and to act in every respect to the best of my judgment for his or her interest, in like manner as if the estate were my own, and I were acting for myself. I also promise and engage to render a true and just account of whatsoever may be received by me from or on account of the estate committed to my management; and in the event of it being proved that I have been guilty of any embezzlement or of any abuse of trust injurious to the property of the above-mentioned proprietor, I do hereby bind myself, my heirs and successors, to make good treble the amount of the embezzlement or injury so proved against me. I further promise and engage to adhere strictly to such Regulations as may be passed for the guidance of managers by the Governor-General in Council, and to such orders as I may receive from the Court of Wards, and to derive no personal advantage whatever, directly or indirectly, from the trust committed to me, beyond the allowance by them granted to me."

XIV. An allowance to the manager, proportionate to the extent of his trust, and adequate to a full compensation for his trouble, shall be proposed by the Collectors and fixed by the Court of Wards, and if it be proved to the satisfaction of the Court of Wards that any manager shall have appropriated to his own use, directly or indirectly, any sum of money or other property above his fixed allowance, he is declared liable for such embezzlement to the fine specified in his obligation, besides dismission from his trust; and the fine shall be appropriated to the benefit of the estate under his charge.

XV. An establishment of necessary Officers to act under the manager shall also be proposed by the Collectors and fixed by the Court of Wards. The persons to be employed on this establishment shall be nominated by the manager himself, but approved by the Collector, who may object to such as may appear to him disqualified by character or otherwise, and require the manager to appoint others. These orders shall be considered applicable to the manager's sudder establishment, and also to his mofussil establishment, in estates of considerable extent, where mofussil Officers may be necessary. Any Officer, sudder or mofussil, who may be proved to the satisfaction of the Court of Wards to have appropriated to his own use, directly or indirectly, any sum of money or other property beyond his fixed allowance, shall be deemed guilty of embezzle-

CHAPTER V. ment, and liable to the same fine as the manager in similar cases, besides dismission from his office.

XVI. *First*,—The assessment of the public revenue on lands, the property of disqualified proprietors, shall be determined in the same manner as the assessment of other lands subject to the payment of revenue to Government, under the rules prescribed in Regulations XXV. and XXVII., 1803; and the following orders have been passed for the guidance of the managers and Collectors regarding the payment of this assessment, as well as respecting the general appropriation of the receipts of the managers from the lands under their charge:—

Second,—An allowance of ten per cent. on the public revenue assessed on the lands of disqualified proprietors, or of ten per cent. on the actual revenue paid to Government in the event of the whole of the assessment not being realized, shall be fixed for the support of the proprietors, and of such persons of their families as may be entitled to receive a provision from them; and the appointed manager of such lands shall pay this allowance monthly in proportion to his actual monthly payments of revenue to the Collector, and no further. Instead of paying the whole of his receipts to the Collector, he shall pay the monthly kists of Government's revenue only to the Collector, or such part thereof as he may be able to discharge from his collections, after defraying the charges of his approved establishment and the allowance of the proprietors; but he shall deliver a monthly account current of his receipts and disbursements to the Collector, who shall audit the disbursements therein specified, and see that the receipts, after defraying the necessary charges, and providing the authorized allowance of the proprietor, have been fairly appropriated to the payment of the revenue due to Government. As the lands of disqualified proprietors are not held answerable for the payment of the revenue assessed thereon, in the event of the neat collections of any year proving inadequate to the payment of the fixed assessment, in addition to the allowance of the proprietor, and of there being a surplus collection in any future year, the Collector shall take care that such surplus is appropriated to the discharge of the arrear due to Government, and the proportion of the proprietor's allowance, which must also, according to the rule laid down, be at the same time in arrear; or if no such balance be outstanding, he shall see the surplus expended by the manager for the improvement of the lands, or otherwise for the benefit of the estate under his charge.

XVII. By the foregoing rules, ten per cent. on the revenue assessed or realized is fixed as the general allowance for the support of disqualified proprietors, and of such persons of their families as may be entitled to receive a provision from them ; but as in some instances this allowance may be more than adequate to the expense of suitably maintaining and educating minors, or maintaining other disqualified proprietors, as well as of making a provision for their relations entitled thereto; or, on the other hand, may not be sufficient for these purposes, in some instances where there may be no other funds arising from lakhiraj lands, or other resources independent of the malgoozaree lands, which might be appropriated thereto, the Collectors are vested with a discretionary power to reduce the ten per cent. allowance in the former case, and to increase it in the latter, as on a consideration of the rank and circumstances of the parties, and the amount of their allowances and other income, they may think proper. They shall, however, report any instances of the exercise ofthis power in their monthly communications to the Court of Wards, and, previous to authorizing any increase of the fixed allowance, shall ascertain with accuracy that there are lakhiraj lands or other resources independent of the malgoozaree lands fully adequate to make good the same, without which no excess shall be admitted, unless the Governor-General in Council shall think proper to grant a dispensation from the general rule in any particular case which may appear to require it. In the event of any reduction of the allowance fixed for the support of disqualified proprietors, the difference shall be applied by the manager to the benefit of the estate under his charge, to which purpose he shall also apply the income arising from resources independent of the malgoozaree lands which the Collector, under the discretion above vested in him, may judge unnecessary for the education or maintenance of the proprietors, and the necessary provision of their relations entitled thereto.

XVIII. Where a distinct guardian may be appointed, as hereafter specified, the manager shall pay to him the amount of the allowance fixed for the maintenance or education of the proprietors, and of the provision for persons of their families entitled thereto, as well as the amount of any resources, independent of the produce of the malgoozaree lands, which the Collectors, under the discretion vested in them by the foregoing article, may think it proper to allot for these purposes.

XIX. Agreeably to the distinction laid down in Section 11, the manager shall have the entire care of the estate, real and

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personal. He will therefore have the exclusive charge of all lands, malgoozaree or lakhiraj, as well as of all houses, tenements, goods, money, and movables of whatever nature, belonging to the proprietor whose estate may be committed to his charge, excepting only the house wherein such proprietor may reside, the movables wanted for his or her use, and the money allowed for the support of the proprietor, and of his or her family entitled to a provision, which shall be left to the care of the guardian, where distinct guardians may be appointed. Both managers and guardians, on their receiving charge of any property, shall sign an exact inventory of the same, which shall be deposited in the treasury of the Collectorship.

XX. The manager, agreeably to the terms of his obligation, shall manage the estate committed to him diligently and faithfully, for the benefit of the proprietor, and in every respect shall act to the best of his judgment for the proprietor's interest, in like manner as if the estate were his own. In instances, however, where he may act for a proprietor under age not otherwise disqualified, he shall not grant any lease extending beyond the minority of the proprietor, or contrary to Regulation XLVII., 1803, or dispose of any part of the permanent property committed to his custody, without the sanction of the Court of Wards.

XXI. In addition to the monthly account current required in Clause second, Section 16, the manager, at the expiration of every year, shall deliver to the Collector an annual account current of his receipts and disbursements upon oath, with vouchers for the latter (unless the Court of Wards shall be satisfied that it will be for the benefit of their general trust to admit the manager to deliver in such accounts, under a solemn declaration of their being true and faithful accounts, in which case they are empowered to receive the accounts under such declaration, instead of an oath); and the Collector shall audit the disbursements, and take care that the whole of the surplus receipts be duly appropriated in the manner specified in Clause second, Section 16.

XXII. If the Collector shall think it unnecessary or unadvisable to appropriate such surplus receipts to the improvement of the lands already under the manager's charge, he shall cause the same to be applied by the manager to the purchase of other landed property, or to interest loans on mortgages, or to the purchase of Government paper securities, as circumstances may render preferable; in which cases, he shall

transmit the title-deeds and mortgage-deeds of the land purchases or mortgages to the Court of Wards, to be deposited in the general treasury; but as interest will occasionally become payable on the Government paper securities, he shall deposit them in the public treasury under his charge, giving in all cases a receipt to the manager, as well for the title and mortgage-deeds as for the paper securities. The Court of Wards shall also obtain the Sub-Treasurer's receipt for the two former, when deposited in the general treasury, and shall transmit an attested copy thereof to the Collector, to be delivered by him to the manager. The manager shall also deliver any existing title or mortgage-deeds, or Government securities, belonging to the estate under his charge, to the Collector, who shall in like manner return a receipt for the same, and transmit them to the Court of Wards, or deposit them in his public treasury, as above directed. Any interest becoming payable on Government securities shall be paid to the manager, to be appropriated by him, in common with other resources, independent of the produce of the malgoozaree lands, as before mentioned.

XXIII. Any just debts outstanding against, or hereafter adjudged against, the estates of disqualified landholders, must necessarily be satisfied (if required so to be by the creditors), as far as may be consistent with the rights of Government, to whom the produce of the malgoozaree lands is mortgaged in the first instance, for the payment of the public revenue assessed thereon. The circumstances of all such debts, however, shall be immediately reported to the Collector, and by him without delay to the Court of Wards, with his sentiments on the best mode of satisfying the same, for their instructions, previous to any payment being made by the manager in discharge of them. In the event of any debts being compounded for a less sum than the full amount, the estate shall be debited by the manager for the actual payment only.

XXIV. Agreeably to Section 11, it will be the province of guardians appointed for disqualified landholders to take care of the person, maintenance, and if a minor, the education of the wards.

XXV. The rules contained in Section 12 for the election of managers shall be applied also to the choice of guardians, with these differences, that the guardianship shall in no instance be entrusted to the legal heir, or other person interested in outliving the ward, and that female minors shall have guardians of their own sex. Further, under these restrictions, landholders whose heirs are disqualified may appoint guardians

CHAPTER V. to such heirs by will in writing; and such guardians (provided they be duly qualified), if willing to accept the trust, and execute the obligation hereafter specified, shall be preferred. Such testamentary appointments, however, shall in all instances be reported, with the sentiments of the Collector, for the confirmation of the Court of Wards, and shall not be deemed valid till confirmed by them.

XXVI. Landholders disqualified on account of minority idiotism, lunacy, or other natural defect or infirmity rendering them incapable of attending to the care of their own persons and maintenance, will alone require guardians. Female as well as male proprietors not so disqualified may themselves receive and disburse the allowance fixed for their maintenance.

XXVII. For persons of the descriptions above mentioned, it is expected that some friend of the party will gratuitously discharge the trust of guardian, appropriating the fixed allowance to the maintenance, and if a minor, to the education also of the ward. Should it, however, in any instance be found necessary to make a pecuniary compensation to a person to act as guardian, such compensation, after being approved by the Court of Wards, shall be provided from the allowance fixed for the maintenance of the ward.

XXVIII. The guardian, previous to the receipt of his commission, shall give security for his appearance during the continuance of it, and shall execute the following obligation:—

"I, A. B., having voluntarily taken on myself the guardianship of C——, disqualified proprietor of D——, do hereby solemnly promise and engage to execute the trust committed to me, zealously and faithfully, to the best of my judgment, and according to the regulations which have been or may be prescribed for the guidance of guardians by the Governor-General in Council. I will conscientiously appropriate the allowance fixed for the maintenance and (if the ward be a minor) the education of my ward, to his (or her) benefit, and will derive no advantage therefrom myself, directly or indirectly, beyond the compensation granted me for my superintendence. I also promise and engage to render a true and just account of whatsoever may be received by me on account of my ward above mentioned; and in the event of it being proved that I have been guilty of any embezzlement or of any breach of trust injurious to his (or her) property, I hereby bind myself, my heirs, and successors, to make good treble the amount of the embezzlement or injury so proved against me.'

XXIX. An establishment of necessary servants, to act under the guardian, shall be proposed by the guardian to the Collector, and fixed by the Court of Wards; and the several rules and restrictions in Section 15 regarding the establishments of managers shall be considered equally applicable to the establishments of guardians. The expense of the latter shall be defrayed from the allowance fixed for the support of the proprietors.

XXX. The guardian shall deliver a monthly account current of his receipts and disbursements to the Collector, who shall audit the disbursements therein specified, and see that the receipts have been fairly and duly appropriated. The guardian shall also deliver an annual account current upon oath (unless the Court of Wards shall be satisfied that it will be for the benefit of their general trust to admit the guardian to deliver in such accounts under a solemn declaration of their being true and faithful accounts, in which case they are empowered to receive the accounts under such declaration instead of an oath) with vouchers, to be in like manner audited by the Collector; and in the event of any money remaining in his hands which the Collector shall think unnecessary for the guardian's expenses in the ensuing year, he shall cause the same to be repaid to the manager, to be applied by him to the benefit of the estate under his charge.

XXXI. In cases of minority where the minor may be a male, the superintendence of his female relations shall not be allowed after the expiration of the fifth year; and on his attaining the age of tuition, it must be the first care of the guardian to procure proper teachers to give him an education suitable to his situation in life.

XXXII. Minority, with respect to both Hindoos and Mahomedans, is limited to the expiration of the eighteenth year.

XXXIII. The guardians of female minors who, agreeable to Section 25, are to be of the same sex, shall also take care that their wards, when arrived at the age of tuition, receive an education suitable to their condition.

XXXIV. The trusts of guardian and manager may be united in persons to whom the inheritance cannot possibly descend, if circumstances should render the same eligible; but in this case the trustee shall be considered as acting in two distinct characters, and shall execute the obligations of both manager and guardian, and deliver the accounts required from each distinctly.

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XXXV. Both manager and guardian shall sign and seal all papers with their own names and seals, adding to the former their designation of manager or guardian. They shall on no account sign or seal the name of their ward, or of his (or her) deceased parents, but shall deliver all family seals belonging to the ward to the Collector, to be deposited in the treasury of the Collectorship.

XXXVI. *First*,—Minors, and other disqualified landholders having guardians, as described in Section 26, shall not be sued but under the protection and joint name of their guardians.

Second,—They may, however, during the term of their disqualification, sue the Collectors, their guardians, or managers, before the Court of Wards, for fraud, by any person willing to undertake their cause, provided such person shall previously give security for the payment of all costs and damages, in case of being non-suited; in return for which, the person so suing shall receive any fine and costs that may be adjudged against the Collector, guardian, or manager, in the cause undertaken by him. The Court of Wards may order the Collector to enquire into, and report upon, any such charges against guardians or managers; but the Collector shall not pass judgment, which shall be given by the Court of Wards. If the Court of Wards or the Collector shall have occasion to require the attendance of any persons in the course of such enquiries, they shall make application to the Judge of the proper Court of Adawlut to summon them to attend; and the Court of Wards and Collectors are empowered to administer oaths to such persons, if necessary, under the rules and restrictions prescribed to the Zillah Courts for the administration of oaths. The Court of Wards shall transmit copies of any judgments which may be given by them under this clause against a Collector, guardian, or manager, to the Court of Adawlut of the zillah; and they shall be considered as judgments of the Court, and be enforced accordingly. An appeal however, shall lie from such judgments immediately to the Sudder Dewanny Adawlut, provided the petition of appeal be preferred to the Zillah Court, or to the Sudder Dewanny Adawlut, or to the Court of Wards, within three months after the date of the decision; and the Sudder Dewanny Adawlut is empowered to admit an appeal after that period, provided the petition of appeal be presented to that Court, and the appellant shall show good cause to its satisfaction for not having preferred the appeal within the prescribed time.

XXXVII. No adoption by disqualified landholders shall be deemed valid without the previous consent of the Court of Wards, on application made to them through the Collector.

XXXVIII. When the Collectors report to the Board of Revenue the disqualification of any landholder, they shall at the same time state the condition of the party, the particulars of his or her estate, real and personal, as far as can be ascertained, and the person who may appear to them most eligible for manager and guardian, with the grounds of such opinion. In cases of testamentary appointments of guardians, they shall also notice the same, adding whether there be any, and what, objections to the confirmation of such appointments.

XXXIX. The Collectors shall further make such monthly or annual reports to the Court of Wards as may be required by them; and they, as well as managers and guardians, shall observe all instructions transmitted to them by the Court of Wards not contrary to this Regulation, or such other Regulations as may be hereafter enacted by the Governor-General in Council.

XL. If a proprietor shall have been declared disqualified, and shall have been afterwards restored, or if the estate of any disqualified proprietor shall legally devolve to, or come into the possession of, any person not disqualified for the management of it, such proprietor, or his or her heir or successor, is declared entitled to sue the Collector, the guardian (if such disqualified proprietor shall have had a guardian), or the manager in the proper Zillah Court for any acts done by them respectively whilst the estate may have been under the charge of the Court of Wards, in opposition to this or any other Regulation which may be hereafter enacted regarding disqualified proprietors and their estates, or to any order issued by the Court of Wards, or for any breach of their respective trusts. The rules regarding the suits specified in Section 36, Regulation XXVII., 1803, which the Collectors are required to defend at their own risk and expense, shall be considered applicable to suits that may be instituted against Collectors under this section.

XLI. When the lands of disqualified landholders paying revenue to Government shall come under the immediate management of the officers of Government, in pursuance of the present Regulation, so that the rents are collected by such Officers from the ryots, dependent Talookdars, under-farmers, or other descriptions of under-tenants, the Collector shall proceed against defaulting under-renters, of whatever denomination

CHAPTER V. from whom arrears of rent may be due, and their sureties, conformably to the rules prescribed by Regulation XXVII., 1803, for the recovery of arrears of rent due to proprietors and farmers of land paying revenue to Government, which rules shall be considered equally applicable to the managers of the estates of disqualified landholders.

A. D. 1805.—REGULATION VIII:

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XXIX. *First*,—Regulations XLVI., XLVII., and LII., 1803, are hereby extended to the zillahs specified in Section 3, with the following provisions, in addition to the Regulation last mentioned, to be in force in the Ceded and Conquered Provinces.

Second,—In cases in which it shall appear to the Court of Wards that the produce of the estate of a disqualified proprietor is insufficient to provide for the expense of a separate establishment for the management of it, in conformity to Regulation LII., 1803, the Court are empowered to take such measures as, from the circumstances of the case, may appear to them to be best calculated for providing for the security of the public revenue, and the maintenance of the proprietors of the lands.

Third,—The Court of Wards are empowered to invest female proprietors of land with the management of their own estates, in cases in which the Court may be fully satisfied, that they are competent to the charge, from their capacity and habits of business. The Court are immediately to report to the Governor-General in Council every instance in which they may exercise the powers vested in them by this section, with the grounds on which they may deem the proprietors qualified for the management of their lands.

Fourth,—Female proprietors, who may be exempted from the operation of the Regulations regarding disqualified landholders, in virtue of the rule contained in the preceding section, are to execute the same engagements as other proprietors who are held qualified for the management of their lands.

Fifth,—Where portions of the same estate belonging to a disqualified landholder may be situated in different zillahs, the Court of Wards are empowered to authorize the monthly and annual accounts of the whole estate required to be furnished by the manager to be rendered to the Collector of the zillah in which the principal portion of the estate may be situated, instead of delivering separate accounts for each

portion to the Collector of the zillah in which it may be included.

Sixth,—In cases in which, from the contiguity of a number of small estates belonging to disqualified proprietors, two or more of them can be conveniently superintended by one manager, the Courts are empowered to intrust as many of the estates to the management of the same person as may appear to them advisable.

Seventh,—In cases in which a guardian may be a party jointly with his ward under Clause first, Section 36, Regulation LII., 1803, in any Civil suit, the securities required by the Regulations to be taken from parties in suits shall not be demanded from the guardians.

Eighth,—In all cases of joint undivided estates, when one or more of the proprietors shall die, leaving heirs who are under age, lunatics, or idiots, and without nominating, by will, a guardian or guardians to the heirs, it shall be duty of the Judge within whose jurisdiction such estate may be situated (or the principal part of it in the event of its being situated in two or more jurisdictions), on the receipt of a report from the Collector, or from any other person or persons interested in the welfare of the family of the deceased, stating the grounds on which he or they may consider the next of kin as unfit to be intrusted with the care of the person or management of the estate of the heir, to investigate the nature of the objections to the nearest of kin; and if satisfied himself that they are well founded, the Judge shall nominate some other person of character and respectabilty to act as guardian to the heir, reporting the circumstance in every instance to the Court of Sudder Dewanny Adawlut.

Ninth,—In the selection of guardians to be appointed under this Regulation, the Judge shall attend particularly to their capacity, character, and responsibility; but the guardianship shall in no instance be intrusted to the legal heir of the ward, or other persons interested in outliving him.

Tenth,—It is expected that some friends of the family of the deceased will gratuitously discharge the trust of guardian, but if on any occasion it may become necessary to make a pecuniary compensation to the person appointed to act as guardian, the amount of such compensation shall be fixed by the Judge, on a due consideration of the circumstances of the case.

Eleventh,—The guardians appointed under the eighth Clause of this section shall be furnished with a commission

CHAPTER V. under the official seal and signature of the Judge; but, previously to the delivery of it, they shall give security for their appearance during the continuance of their trust, and to execute the following obligation:—"I, A. B., having voluntarily taken upon myself the guardianship of C., proprietor of a ——— anna share of the estate of D., do hereby solemnly promise and engage to execute the trust committed to me zealously and faithfully to the best of my judgment, and according to the Regulations which have been or may be prescribed for the guidance of guardians by the Governor-General in Council. I will derive no advantage myself, directly or indirectly, from any moneys belonging to my ward which may come into my hands in the execution of my trust, beyond the compensation granted me for my superintendence; nor will I knowingly suffer any other person to derive thereform any such undue advantage. I also promise and engage to render a true and just account of whatsoever may be received by me on account of my ward above mentioned, when required to do so by any competent authority; and in the event of its being proved that I have been guilty of any embezzlement, or of any breach of trust injurious to his (or her) property, I hereby bind myself, my heirs and successors, to make good treble the amount of the embezzlement or injury so proved against me."

Twelfth,—Guardians appointed under this Regulation shall have the care of the person, maintenance, and, if a minor, the education of the ward. They shall also vote in the election of a manager for the joint undivided estate, as prescribed in Section 5, Regulation LII., 1803; and the manager shall account to them for such portion of the profits arising from the estate as their wards may be entitled to receive on a fair distribution thereof amongst all the joint proprietors.

Thirteenth,—Estates under charge of a manager, elected as stated in the foregoing section, shall be held answerable for the payment of the revenue assessed thereon; and nothing contained in this Regulation shall be considered as exempting the lands from sale for the realization of any balances which may at any time become due to Government.

Fourteenth,—If any person shall think himself aggrieved by any act done by any of the Zillah Judges in the exercise of the authority vested in them by this section, he is at liberty to state his complaint, by petition either to the Judge in person or to the Court of Sudder Dewanny Adawlut; and whenever any such complaint shall be made, the Judge

shall certify a copy of the petition, and of all his proceedings in the case to which it relates, to that Court, who are authorized to confirm or rescind his decision, as to them shall appear just and proper; and their judgment in all such cases is hereby declared to be final.

A. D. 1818.—REGULATION III.

A REGULATION FOR THE CONFINEMENT OF STATE PRISONERS.

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IX. Whenever the Governor-General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any Zemindar, Jagheerdar, Talookdar, or other person, without any previous decision of a Court of Justice or other judicial proceeding, the grounds on which the Resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder Dewanny Adawlut and Nizamut Adawlut.

X. *First*,—The lands or estates which may be so temporarily attached shall be held under the management of the Officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

Second,—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Third,—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

A. D. 1822.—REGULATION VI.:

A REGULATION TO ESTABLISH A COURT OF WARDS FOR BENARES, AND TO DEFINE AND EXPLAIN CERTAIN OF THE RULES REGARDING THE POWERS AND JURISDICTION OF THE SEVERAL COURTS OF WARDS.

THE rules for constituting and for fixing the jurisdiction of the Court of Wards contained in Regulation X., 1793, extended to the Ceded and Conquered Provinces by Regulation LII., 1803, and Section 29, Regulation VIII., 1805,

CHAPTER V. and to Cuttack by Section 36, Regulation XII., 1805, have never been extended to the Province of Benares, though such extension was obviously intended, and is distinctly alluded to in Clause 7th, Section 7, Regulation V., 1795. Moreover, the original rules for the management of the estates of minors and other disqualified persons over which the Court of Wards have jurisdiction provide only for the appointment of a manager from amongst the relations, connections, or other principal servants of the minor's family, to collect the rents, and otherwise manage the estate under the general authority of the Court of Wards. This system of management was early abandoned in the case of the less valuable estates, where the expense incident to the system was found to consume the profits, and the Court of Wards were authorized in such cases to adopt at their discretion any mode of management they might judge fit. Subsequently the managers were declared to be merely ministerial Officers of the Collector, by whom they were directed to be chosen, under the instructions of the Board of Revenue, without any regard to their connection with the proprietors. The Revenue authorities were thus virtually vested with full powers of managing ward estates as might appear best, and the Court of Wards, finding the charges of mofussil management by the said officers to be generally inordinate, obtained the authority and instructions of Government to substitute the system of farming in all ordinary cases. This system, which was adopted and pursued with a view to the interests of the minors, has now prevailed for a period of eighteen years. Nevertheless the terms in which the discretion of dispensing with a manager is vested in the Court by legislative enactment have led to doubts of the legality of the practice of farming, as applied to extensive or profitable estates; it has accordingly been deemed necessary to declare, by a specific enactment, the competency of the Court of Wards to exercise generally a discretion in regard to the management of estates under their charge, and further to declare the legality of farms heretofore made under their authority. It is moreover expedient to enable the Court of Wards to refrain from interfering with the estates of minors or other disqualified proprietors, in cases wherein they deem their interposition unnecessary or inexpedient. The following rules have accordingly been enacted, to be in force, as provided therein, from the date of their promulgation:—

II. Regulation LII., 1803, with the addition contained in Section 29, Regulation VIII., 1805, is hereby extended to the Province of Benares, and the Board of Revenue for the

Central Provinces is constituted a Court of Wards for that province, under the above rules as hereinafter modified and explained.

III. *First*,—The several Courts of Wards established within the territories subject to the Presidency of Fort William are hereby declared competent to farm estates falling under their jurisdiction for a term not exceeding ten years, or to adopt such other form of management, not involving an assignment of the minor's interests, for a period exceeding the above as may in their discretion seem most expedient, anything in the existing Regulations to the contrary notwithstanding. It is hereby further declared and provided that all farms heretofore made by or in pursuance of orders from the Courts of Wards, whether under the special authority of the Governor-General in Council, or under the Court's own construction of its general powers, shall to all intents and purposes be held and considered to be legal and valid, and no exception shall be taken or allowed by any Court of Justice against such farms, on the ground of there having hitherto been no rule in any Regulation published according to the provisions of Regulation XLI., 1793, specifically authorizing the practice.

Second,—Farmers and others holding under the Revenue authorities in their capacity of Court of Wards shall be subject to the same rules and regulations as are applicable to other persons holding similar tenures and interests under Collectors of the land revenue.

IV. The several Courts of Wards are hereby vested with a discretion to refrain from interfering with the estates of minors, or other disqualified proprietors, in cases wherein they may deem their interposition unnecessary or inexpedient: provided, however, that no estate, the sole property of a minor, and descended to him by the regular course of inheritance, shall, during his minority, be sold for arrears of revenue accruing subsequently to his accession to the same; but the Revenue authorities shall, on an arrear so accruing, be authorized to farm the estate for a period not exceeding ten years, and it will of course be competent to the Court of Wards to assume charge of such estates at any time during the minority of the proprietor, notwithstanding they may have originally refrained from interfering.

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A. D. 1822.—REGULATION VII.:

A REGULATION FOR DECLARING THE PRINCIPLES ACCORDING TO WHICH THE SETTLEMENT OF THE LAND REVENUE IN THE CEDED AND CONQUERED PROVINCES, INCLUDING CUTTACK, PUTTASPORE, AND ITS DEPENDENCIES, IS TO BE HEREAFTER MADE, AND THE POWERS AND DUTIES BELONGING TO COLLECTORS OR OTHER OFFICERS EMPLOYED IN MAKING, REVISING, OR SUPERINTENDING SETTLEMENTS; FOR CONTINUING, WITH CERTAIN EXCEPTIONS, THE EXISTING LEASES WITHIN THE SAID PROVINCES FOR A FURTHER TERM OF FIVE YEARS; FOR DEFINING, SETTLING, AND RECORDING THE RIGHTS AND OBLIGATIONS OF VARIOUS CLASSES AND PERSONS POSSESSING AN INTEREST IN THE LAND, OR IN THE RENT OR PRODUCE THEREOF; AND FOR VESTING THE REVENUE AUTHORITIES WITH JUDICIAL COGNIZANCE IN CERTAIN CASES OF SUITS, AND CLAIMS RELATING TO LAND, THE RENT AND PRODUCE OF LAND.

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III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor-General in Council may direct. A preference shall be given to the Zemindars or other persons possessing a permanent property in the mehals, if willing to engage for the payment of the public revenue on reasonable terms. Provided also that in cases where in such mehals may be let in farm, the term of the lease granted to the farmers shall not exceed twelve years. The above rules shall likewise be applicable to estates now held khas. So in any case wherein the Zemindars and other proprietors may refuse to continue their existing engagements, or to enter into new engagements on equitable terms, it shall be competent to the Revenue authorities to let the lands in farm for such period not exceeding twelve years as the Governor-General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper: provided further that if in any case it shall appear to the Revenue authorities that the continuance or admission of any Rajah, Zemindar, Talookdar, or other person who may have engaged or may claim to engage for any mehal or mehals in or to the management of such mehal or mehals, would endanger the public tranquillity, or otherwise be seriously detrimental, it shall be their duty to report the circumstance to Government; and it shall be competent to the Governor-General in Council, by an order in Council, to cause such mehal or mehals to be held khas or let in farm for such term as may appear expedient and proper, not exceeding the period above specified.

A. D. 1845.—ACT I.:

AN ACT TO AMEND ACT NO. XII. OF 1841, ENTITLED "AN ACT FOR AMENDING THE BENGAL CODE IN REGARD TO SALES OF LAND FOR ARREARS OF REVENUE."

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X. And it is hereby enacted that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. of 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of eighteen years, and no estate held under attachment by the Revenue authorities otherwise than by order of judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment; and no estate held under attachment by a Revenue Officer in pursuance of an order of judicial authority shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

ACT No. XXVI. OF 1854:

AN ACT FOR MAKING BETTER PROVISION FOR THE EDUCATION OF MALE MINORS SUBJECT TO THE SUPERINTENDENCE OF THE COURT OF WARD.

1.—General control and superintendence of the education of male minor wards vested in Collectors of revenue.

2.—Collectors to have power to cause male minor wards to be educated at any school or college;

3.—Or in certain cases to cause such wards to be educated privately.

4.—Charges and expenses incurred under this Act to be paid out of the profits of the ward's estate.

5.—Court of Wards to have power to remove guardians for disobedience of orders passed by a Collector under this Act.

6.—Continued liability of guardian removed: powers and responsibilities of new guardian.

7.—The right to the custody of the person of a male minor to be vested in guardian appointed by the Court of Wards, or failing him, in the Collector.

8.—Appeal from the orders of a Collector to lie to Commissioner of revenue acting as a Court of Wards.

WHEREAS the existing laws are found insufficient to ensure the proper education of male minors subject to the superintendence of the Court of Wards, and it is expedient to make further and better provision for the education of such persons; It is enacted as follows:—

CHAPTER V.

I. The general superintendence and control of the education of every male minor, whose property has been or shall be brought under the management of the Court of Wards in and for any part of the Presidency of Fort William, by virtue of any Act or Regulation which now is or hereafter shall be in force, is hereby vested in the Collector of revenue, acting under the said Court of Wards in the zillah or district wherein such minor's estate is situate; or if such minor is possessed of immovable property in different districts, in such one of the Collectors of revenue of such districts as the said Court of Wards shall select.

II. It shall be lawful for every Collector of revenue in whom the superintendence of the education of any minor is vested by this Act, to direct that such minor shall reside, either with or without his guardian, at the sudder station of the district, or at any other place within the said Presidency, and shall attend, for the purposes of education, such school or college as to the said Collector may seem expedient; and to make such provision as may be necessary for the proper care and suitable maintenance of the said minor whilst attending such school or college.

III. If it shall appear to the Collector inexpedient to place any such minor at a school or college, he shall, if the proceeds of the estate are sufficient for that purpose, cause such minor to be educated by a private tutor, properly qualified, either at the family residence of such minor or at the sudder station, or elsewhere within the said Presidency; and in that case also the Collector shall have power to determine from time to time the place of residence of such minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

IV. All charges and expenses which may be incurred on account of any male minor ward under the provisions of this Act for college or school fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home, or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority or with the sanction of the Court of Wards

V. It shall be lawful for the Court of Wards, on the application of a Collector, to remove from office any guardian who shall neglect or refuse to obey, or shall evade compliance with any orders passed or directions given by such Collector under the provisions of this Act, and to cause a new guardian

to be appointed in his place, whether the person so removed shall have been first invested with the guardianship of the minor, upon the nomination of a Collector acting under the Court of Wards, or by a testamentary appointment confirmed by the Court of Wards, and if in any such case the guardian to be removed shall be also the manager of the minor's estate, it shall be lawful for the Court of Wards, at its discretion, either to remove him from both the said offices, or to continue him in that of manager only.

VI. The guardian so removed shall, notwithstanding his removal, continue liable to account to the Collector for his receipts and disbursements during the period of his guardianship, and every guardian appointed in the place of a guardian so removed shall be chosen in the same way, and shall have the same rights and powers, and be subject to the same responsibilities, as persons orignally appointed to be guardians of minors by a Collector of revenue, acting under the Court of Wards.

VII. The right to the custody of the person of any male minor whose property is under the management of the Court of Wards is hereby vested in the person appointed with the sanction of the Court of Wards, either originally or upon the removal of a former guardian, to be the guardian of such minor, or in the absence of any such person, in the Collector of revenue having the superintendence of the education of such minor under the provisions of this Act.

VIII. All orders and proceedings of a Collector under the provisions of this Act shall be subject to the revision of the Court of Wards, and every person aggrieved by any such order or proceeding may prefer an appeal therefrom to the Commissioner of revenue, acting as a Court of Wards in and for the division to which such Collector belongs.

B.—CIVIL COURTS.

A. D. 1795.—REGULATION VIII.

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V. Where decrees of forfeiture may be ordered to be executed as specified in Section 22, the Court by which the decree is to be executed is, in all cases in the precept directed to be issued to the Collector, to require him to order the nearest Tehseeldar or other officer who may be employed under him in the business of the collections to take charge of the lands.

VI. *First*,—The following rule is substituted in lieu of Section 23:—

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Second,—If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section 22, it shall be at the option of the Governor-General in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the land forfeited, and to pay the fixed public revenue assessed upon them; or if the property forfeited be a common or distinct putteedaree, the revenue payable from it to the principal proprietor or proprietors, or to the puttah-holder or puttah-holders in whose puttah it may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XX., 1795.

VII. The Collector is to proceed against farmers whose leases may be annulled under Section 24, and their sureties, for the recovery of any arrears that may be due from them in the manner specified in Regulation VI., 1795, instead of Section 20, Regulation XIV., 1793, as directed in the first mentioned section, for the recovery of balances due from farmers whose leases may be adjudged annulled in consequence of their having resisted the process of the Collector, or their sureties. The offender is permitted to prosecute in the Dewanny Adawlut in the jurisdiction of which the farm may be situated, the Talookdars, Zemindars, Putteedars, distinct and common, under-farmers and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him on account of the period during which his lease remained in force.

A D. 1795.—REGULATION X.

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VI. Where decrees of forfeiture may be ordered to be executed under Section 24, the Court by which the decree is to be executed is to issue a precept, under the seal of the Court and the signature of the Register, requiring the Collector of the Revenue to order the nearest Tehseeldar, or other Officer employed under him in the business of the collections, to take charge of the lands.

VII. *First*,—The following rule is substituted in lieu of Section 25:—

Second,—If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Sec-

tion 24, it shall be at the option of the Governor-General in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the lands forfeited, and to pay the fixed public revenue assessed upon them ; or if it be a common or distinct puttee-daree, the revenue payable from it to the principal proprietor or proprietors, or to the puttah-holder or puttah-holders in whose puttah the lands may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XX., 1795.

A. D. 1803 —REGULATION III.

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XXIII. If a Zemindar, independent Talookdar, or other actual proprietor of land, or a dependent Talookdar, shall resist, or cause to be resisted, any process, rule, order, or decree of a Zillah Court, the Court, on proof of the resistance being made by oath to its satisfaction, shall cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own house, or in any house or building, or retire to any place, so that he cannot be served with the summons, the Court shall proceed against him in the manner directed with regard to other persons absconding, or acting as above specified, so that they cannot be served with the process of the Court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the Court that he is guilty of the charge, the Court shall decree that the offender shall, from the date of the decree, forfeit his zemindaree, talook, or other estate in which the resistance may have been made; or if the resistance shall have been made out of the limits of the estate of the offender, the zemindaree, talook, or other landed property which he may possess within the jurisdiction of the Court, the process of which may have been resisted. If the cause shall not be appealed to the Provincial Court of Appeal, within the time limited for preferring appeals to that Court by the regulations, the Court shall immediately forward a copy of its decree and proceedings respecting the charge to the Governor-General in Council. If the offender shall appeal to the Provincial Court of Appeal, within the prescribed period, and the Court should confirm the decisions of the Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it

CHAPTER V. shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that Court in the established regulations, the Provincial Court shall immediately forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If an appeal shall be received from the decision of the Provincial Court, and the Sudder Dewanny Adawlut should confirm the decree of that Court, the Court shall immediately transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the Provincial Court of Appeal, to the Governor-General in Council. No appeal shall lie in this case to the Sudder Dewanny Adawlut, unless the annual produce of the lands of the offender which may be adjudged forfeited (calculating according to the amount paid and payable to the offender by the dependent Talookdars, under-farmers, and ryots on account of the year in which the decree may be passed) shall exceed one thousand sicca rupees. In the event of an appeal from the decrees of the Provincial Court being presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal depending upon the produce of the lands for the year before mentioned exceeding or falling short of one thousand sicca rupees, the Court of Sudder Dewanny Adawlut shall order the Provincial Court to obtain the necessary information regarding the produce, and, after receiving their report, admit or reject the appeal, according as they may deem equitable. It shall be at the option of the Governor-General in Council, after the receipt of a decree adjudging the estate of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as upon a consideration of the situation and circumstances in life of the offender he shall think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the Court which shall have transmitted the decree and proceedings to him, upon receiving notice of the fine which he may impose, shall levy the amount of it by the same process as is prescribed for enforcing decrees of the Court. In cases wherein a decree for the forfeiture of an estate or farm shall be passed and transmitted to the Governor-General in Council, the decree in question shall not be deemed final until confirmed by the Governor General in Council, and shall not be carried into execution until notice of his confirmation be received. In the event of the Governor-General in Council ordering the decree to be executed, the Court shall issue a precept, under

the seal of the Court, and the signature of the Register, requiring the Collector of the Revenue of the zillah to depute an Ameen, with a proper establishment of Officers, whose allowances are to be specified in the precept, to sequester the lands, and collect the rents and revenues. If the lands of the offender shall be deemed by the Court too inconsiderable to admit of their being charged with the expense of an Ameen, the Judge shall direct a precept to be issued to the Collector of the zillah to order the nearest Tehseeldar, or any other Officer who may be employed under him in the business of the collections, to take charge of the lands. The Officer shall perform the duties prescribed to Ameens in such cases, and under the same restrictions and penalties.

A. D. 1803.—REGULATION V.:

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XXIII. The Sudder Dewanny Adawlut is empowered to permit the Judges of the Provincial Court of Appeal and the Zillah Courts to adjourn their respective Courts occasionally, for any period not exceeding one month, so that such adjournments collectively do not exceed two months in each year.

XXIV. If a Zemindar, independent Talookdar, or other actual proprietor of land, or a dependent Talookdar, shall resist, or cause to be resisted, any process, rule, order, or decree which may at any time issue from the Sudder Dewanny Adawlut, the Court, on proof of the resistance being made by oath to their satisfaction, shall cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that he cannot be served with the summons, the Court shall proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the Court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the Court that he is guilty of the charge, the Court shall decree that the offender shall, from the date of its decree, forfeit his zemindaree, talook, or other estate, in which such resistance shall have been made; or if the resistance shall have been made out of the limits of the estate of the offender, the zemindaree, talook, or other landed property which he may possess within the jurisdiction of the Zillah Court, to which the execution of the process resisted shall have been

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committed. The Court shall immediately forward a copy of their decree and proceedings to the Governor-General in Council. It shall be at the option of the Governor-General in Council, on the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as upon a consideration of the situation and circumstances in life of the offender he shall think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the Court, upon receiving notice of the fine which he shall he impose, shall levy the amount of it by the same process by which it is directed to enforce its decrees. In the event of the Governor-General in Council ordering the decree to be executed, the Court shall issue a precept, under the seal of the Court and the signature of the Register, requiring the Collector of the Revenue of the zillah to depute an Ameen, with a proper establishment of Officers (whose allowances shall be specified in the precept), to sequester the lands and collect the rents and revenues. If the lands of the defaulter shall be deemed by the Court too inconsiderable to admit of their being charged with the expenses of an Ameen, the Court shall direct a precept to be issued to the Collector of the zillah to order the nearest Tehseeldar, or other Officer employed under him in the business of the collection, to take charge of the lands. The Officers shall perform the duties prescribed to Ameens in such cases, and under the same restrictions and penalties.

A. D. 1827.—REGULATION V.:

A REGULATION FOR MODIFYING THE RULES AT PRESENT IN FORCE FOR THE MANAGEMENT OF ESTATES UNDER ATTACHMENT BY ORDERS OF THE COURTS OF JUSTICE IN CERTAIN CASES.

WHEREAS it is expedient, in all cases of the attachment of landed property under orders of the Courts of Justice, that the management of the estate attached should be placed under the superintendence of the Collectors of Land Revenue, the following rules have been enacted by the Governor-General in Council, to be in force from the date of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

II. The rules contained in Sections 5 and 6, Regulation V., 1799; and Clauses 5 and 6, Section 16, Regulation III., 1803; and Sections 26 and 27, Regulation V., 1812; and Clause 3, Section 5, Regulation VI., 1813, regarding the administration and management of estates under orders of the Zillah

and City Courts, are hereby declared subject to the following modifications. CHAPTER V.

III. Whenever the Zillah and City Courts may deem it just and proper, under the provisions of the several Regulations above mentioned, to provide for the administration or management of landed property, the Court shall issue a precept to the Collector of Land Revenue of the district wherein the estate may be situated, directing him to hold the estate in attachment, and to appoint a person for the due care and management of the estate, under good and adequate security, for the faithful discharge of the trust, in a sum proportionate to the extent thereof: provided, however, that if any person holding an interest in the estate shall be dissatisfied with the selection made by the Collector of the individual to perform the duty in question, or with the conduct of the manager, at any time after his appointment, it shall be competent to such person to represent his objections to the Board of Revenue, and the Board will either confirm the manager chosen, or order the Collector to appoint another person, as on consideration of the circumstances of the case may appear reasonable and proper.

IV. The precept of the Zillah or City Court above mentioned shall state specifically the property to be included in the attachment, and the attachment shall not be withdrawn without a further precept from the Court to that effect.

A. D. 1841.—ACT XIX.:

AN ACT FOR THE PROTECTION OF MOVABLE AND IMMOVABLE PROPERTY AGAINST WRONGFUL POSSESSION IN CASES OF SUCCESSIONS.

I. WHEREAS much inconvenience has been experienced where persons have died possessed of movable and immovable property, and the same has been taken upon pretended claims of right by gift or succession, the difficulty of ascertaining the precise nature of the movable property in such cases, the opportunities for misappropriating such property, and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession: And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a Judge, after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit: And whereas such summary

CHAPTER V. suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession, will be too tardy a remedy for obviating them all, especially as regards movable property: And whereas it may be expedient, prior to the determination of the summary suit, to appoint a Curator to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste, or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case: And whereas it will be very inconvenient to interfere with successions to estates by the appointment of Curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:

It is hereby enacted that whenever a person dies leaving property, movable or immovable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the Judge of the Court of the district where any part of the property is found or situate, for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

II. And it is hereby enacted that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person, being entitled by succession to such property as aforesaid, to make the like application for relief.

III. And it is hereby enacted that the Judge to whom such application shall be made shall, in the first place, enquire by the solemn declaration of the complainant, and by witnesses and documents, at his discretion, whether there be strong reasons for believing that the party in possession, or taking forcible means for seizing possession, has no lawful title, and that the applicant, or the person on whose behalf he applies, is really entitled, and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made *bonâ fide*.

IV. And it is hereby enacted that in case the Judge shall be satisfied of the existence of such strong ground of belief, but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication,

and after the expiration of a reasonable time shall determine summarily the right to possession (subject to regular suit as hereinafter mentioned), and shall deliver possession accordingly: provided always that the Judge shall have the power to appoint an Officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the enquiry necessary for citing the party complained of or not.

V. And it is hereby enacted that in case it shall further appear, upon such application and examination as aforesaid, that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof, is likely to expose the party out of possession to considerable risk, provided he be the lawful owner, it shall be lawful for the Judge to appoint one or more Curators, with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit, and the confirmation or delivery of possession in consequence thereof. Provided always that, in the case of land, the Judge may delegate to the Collector or to his Officer the powers of a Curator, and also that every appointment of a Curator in respect of any property be duly published.

VI. And it is hereby enacted that the Judge shall have power to authorize such Curator either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always that it shall be entirely discretionary with the Judge whether he shall allow the party in possession to continue in such possession on giving security or not; and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

VII. And it is hereby enacted that the Judge shall exact from the Curator security for the faithful discharge of his trust and for rendering satisfactory accounts of the same, as hereinafter mentioned, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding five per centum on the personal property, and

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on the annual profits of the real property. All surplus moneys realized by the Curator shall be paid into Court, and invested in public securities for the benefit of the persons entitled thereto, upon adjudication of the summary suit. Provided always that although security shall be required from the Curator with all reasonable despatch, and, where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed Curator, yet no delay in the taking of security shall prevent the Judge from immediately investing the Curator with the powers of his office.

VIII. And it is hereby enacted that where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession of appointing a Curator, and of nominating individuals to that appointment, the Judge shall demand a report from the Collector, and the Collector is hereby required to furnish the same. In cases of urgency, the Judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto; but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of the Sudder Dewanny Adawlut, and the Court of Sudder Dewanny Adawlut, if they shall be dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

IX. And it is hereby enacted that the Curator shall be subject to all orders of the Judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the Curator on behalf of the estate. Provided that an express authority shall be requisite in the sunnud of the Curator's appointment for the collection of debts or rent; but such express authority shall enable the Curator to give a full acquittance for any sums of money received by virtue thereof.

X. And it is hereby enacted that pending the custody of the property by the Curator, it shall be lawful for the Judge to make such allowances to parties having a *primâ facie* right thereto as, upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require; taking, at his discretion, security for the repayment thereof, with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

XI. And it is hereby enacted that the Curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the possession of the property, file a detailed account of his administration to the satisfaction of the Judge.

XII. And it is hereby enacted that the accounts of any such Curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such Curator; and if it be found that the accounts of any such Curator are in arrear, or if they shall be erroneous or incomplete, or if the Curator shall not produce them whenever he shall be ordered to do so by the Judge, he shall be liable to a fine not exceeding one thousand rupees for every such default.

XIII. And it is hereby enacted that after the Judge of any district shall have appointed any Curator, such appointment shall preclude the Judge of any other district within the same Presidency from appointing any other Curator, provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same presidency of another Curator in respect of the residue or any portion thereof: provided always that no Judge shall appoint a curator, or entertain a summary suit, in respect of property which is the subject of a summary suit previously instituted under this Act before another Judge: and provided further, that if two or more Curators be appointed by different Judges for several parts of an estate, it shall be lawful for the Sudder Dewanny Adawlut to make such order as it shall think fit for the appointment of one Curator of the whole property.

XIV. And it is hereby provided that this Act shall not be put in force unless the aforesaid application to the Judge be made within six months of the decease of the proprietor whose property is claimed by right in succession.

XV. And it is hereby enacted that this Act shall not be put in force to contravene any public Act of Settlement; neither in cases in which the deceased proprietor shall have given legal directions for the possession of his property after his decease, in the event of minority or otherwise, in opposition to such directions; but, in every such case, so soon as the Judge having jurisdiction over the property of a deceased

CHAPTER V. person shall be satisfied of the existence of such directions, he shall give effect thereto.

XVI. And it is hereby provided that this Act shall not be put in force for the purpose of disturbing the possession of the Court of Wards of any Presidency ; and in case a minor, or other disqualified person whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the Judge, if he determines to cite the party in possession and also appoint a Curator, shall invest the Court of Wards with the Curatorship of the estate pending the suit, without taking such security as aforesaid ; and in case the minor or other disqualified person shall, upon the adjudication of the summary suit, appear to be entitled to the property, possession shall be delivered to the Court of Wards.

XVII. And it is hereby provided that nothing in this Act contained shall be any impediment to the bringing of a regular suit, either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

XVIII. And it is hereby enacted that the decision of the Judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

XIX. And it is hereby enacted that it shall be lawful for the Governments of the respective Presidencies to appoint public Curators for any district or number of districts; and the Judge having jurisdiction shall nominate such public Curator or Curators in all cases where the choice of a Curator is left discretionary with him under preceding provisions of this Act.

XX. And it is hereby enacted that whenever a person dies leaving movable or immovable property within the local limits of the jurisdiction of any Her Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said Court to authorize and enjoin the Ecclesiastical Registrar, or one or more Curators, to collect such effects, and hold, or deposit, or invest the same in such manner, and place, and upon such security, and subject to such orders and directions, as the Court may deem expedient.

ACT No. XXXV. OF 1858: CHAPTER V.

AN ACT TO MAKE BETTER PROVISION FOR THE CARE OF THE ESTATES OF LUNATICS NOT SUBJECT TO THE JURISDICTION OF THE SUPREME COURTS OF JUDICATURE.

WHEREAS it is expedient to make better provision for the care of the estates of lunatics not subject to the jurisdiction of the Supreme Courts of Judicature, and to prescribe general rules by which the state of mind of persons not subject to such jurisdiction, who are alleged to be lunatic, may be enquired into and ascertained ; It is enacted as follows :—

I. So much of Section 5, Regulation X., 1793; of Section 9, Regulation LII., 1803; of Regulation I., 1800; and of Section 29, Regulation VIII., 1805 (extended to Benares by Section 2, Regulation VI., 1822) of the Bengal Code ; and so much of Sections 6 and 7, Regulation V., 1804, and of Sections 20 and 22 of the said Regulation (as modified by Section 3, Regulation X., 1831), of the Madras Code, as relate to lunatics or idiots, are hereby repealed.

II. Whenever any person not subject to the jurisdiction of the Supreme Courts who is possessed of property is alleged to be a lunatic, the Civil Court within whose jurisdiction such person is residing may, upon such application as is hereinafter mentioned, institute an enquiry for the purpose of ascertaining whether such person is or is not of unsound mind and incapable of managing his affairs.

III. Application for such enquiry may be made by any relative of the alleged lunatic or by any public Curator appointed under Act XIX. of 1841, or by the Government Pleader, or if the property of the alleged lunatic consist in whole or in part of land, or any interest in land, by the Collector of the district in which it is situate. If the property or any part thereof be of such a description as by the law in force in any Presidency where such property is situate would subject the proprietor, if disqualified, to the superintendence of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards.

IV. When the Civil Court is about to institute any such enquiry as aforesaid, it shall cause notice to be given to the alleged lunatic of the time and place at which it is proposed to hold the enquiry. If it shall appear that the alleged lunatic is in such a state that personal service on him would be ineffectual, the Court may direct such substituted service of

CHAPTER V. the notice as it shall think proper. The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic.

V. The Civil Court may require the alleged lunatic to attend at such convenient time and place as it may appoint, for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic. The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic, for the purpose of a personal examination.

VI. The attendance and examination of the alleged lunatic, under the provisions of the last preceding section, shall, if the alleged lunatic be a woman, who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the rules in force for the examination of such persons in other cases.

VII. The Civil Court, if it think fit, may appoint two or more persons to act as assessors to the Court in the said enquiry. Upon the completion of the enquiry, the Court shall determine whether the alleged lunatic is or is not of unsound mind, and may make such order as to the payment of the costs of the enquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic, if he be adjudged to be of unsound mind, or otherwise, as it may think proper.

VIII. If the alleged lunatic reside at a distance of more than fifty miles from the place where the Civil Court to which the application shall have been made is held, the said Court may issue a commission to any subordinate Court to make the enquiry, and thereupon the said subordinate Court shall conduct the enquiry in the manner hereinbefore provided. On the completion of the enquiry, the subordinate Court shall report its proceedings, with the opinions of the assessors, if assessors have been appointed, and its own opinion on the case; and thereupon the Civil Court shall make such order in the case as it may think proper.

IX. When a person has been adjudged to be of unsound mind and incapable of managing his affairs, if the estate of such person or any part thereof consist of property which by the law in force in any Presidency subjects the proprietor, if disqualified, to the superintendence of the Court of Wards, the Court of Wards shall be authorized to take charge of the

same. In all other cases, except as otherwise hereinafter provided, the Civil Court shall appoint a manager of the estate. Any near relative of the lunatic, or the public Curator, or if there be no public Curator, any other suitable person, may be appointed manager.

X. Whenever a manager of the estate of a lunatic is appointed by the Civil Court, the Court shall appoint a fit person to be guardian of the person of the lunatic. The manager, unless he be the public Curator, may be appointed guardian. Provided always that the legal heir of the lunatic shall not in any case be appointed guardian of his person.

XI. If the estate consist in whole or in part of land, or any interest in land, not subject to the jurisdiction of the Court of Wards, the Civil Court, instead of appointing a manager, may direct the Collector to take charge of the estate, and thereupon the Collector shall appoint a manager of the property and a guardian of the person of the lunatic. All the proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue authorities.

XII. If the person appointed to be manager of the estate of a lunatic, or the person appointed to be guardian of a lunatic's person, shall be unwilling to discharge the trust gratuitously, the Court, or the Collector, as the case may be, may fix such allowance or allowances to be paid out of the estate of the lunatic as, under the circumstances of the case, may be thought suitable.

XIII. The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance. When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as shall be fixed by the Court or the Collector, as the case may be, for the maintenance of the lunatic and of his family.

XIV. Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts, and liabilities, due to or by the estate of the lunatic. But no such manager shall have power to sell or mortgage the estate, or any part thereof, or to grant a lease of any immovable property for any period exceeding five years, without an order of the Civil Court previously obtained.

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XV. Every person appointed by the Civil Court or by the Collector to be manager of the estate of a lunatic, shall, within six months from the date of his appointment, deliver in Court, or to the Collector, as the case may be, an inventory of the landed property belonging to the lunatic, and of all such sums of money, goods, and effects as he shall receive on account of the estate, together with a statement of all debts due by or to the same. And every such manager shall furnish to the Court or to the Collector annually, within three months of the close of the year of the era current in the district, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate, and the balance remaining in his hands. If any relative of the lunatic, or any public Officer, by petition to the Court, shall impugn the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and enquire summarily into the matter, and make such order thereon as it shall think proper; or the Court at its discretion, may refer any such petition to any subordinate Court, or to the Collector if the manager was appointed by the Collector.

XVI. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate shall be paid into the public treasury on account of the estate, and may be invested from time to time in the public securities.

XVII. It shall be lawful for any relative of a lunatic to sue for an account from any manager appointed under this Act, or from any such person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

XVIII. The Civil Court, for any sufficient cause, may remove any manager appointed by the Court, not being a public Curator, and may appoint such Curator or any other fit person in his room, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all moneys received or disbursed by him. The Court may also, for any sufficient cause, remove any guardian appointed by the Court. In like manner, the Collector, for any sufficient cause, may remove any manager or guardian appointed by the Collector; and the Court, on the application of the Collector, shall compel any manager so removed to deliver his accounts and the property in his hands

XIX. The Civil Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the prescribed time or a time fixed by the Court, and may realize such fine by attachment and sale of his property, under the rules in force for the execution of decrees of Court, and may also commit the recusant to close custody until he shall deliver such accounts or property.

XX. If it appears to the Civil Court, having regard to the situation and condition in life of the lunatic and his family, and the amount and description of his property, to be unnecessary to appoint a manager of the estate as hereinbefore provided, the Court may, instead of appointing such manager, order that the property, if money, or if of any other description, the produce thereof when realized, be paid to such person as the Court may think fit, to be applied for the maintenance of the lunatic and his family.

XXI. When any person has been adjudged to be of unsound mind and incapable of managing his affairs, if such person, or any other person acting on his behalf, or having or claiming any interest in respect of his estate, shall represent by petition to the Civil Court, or if the Court shall be informed in any other manner, that the unsoundness of mind of such person has ceased, the Court may institute an enquiry for the purpose of ascertaining whether such person is or is not still of unsound mind and incapable of managing his affairs. The enquiry shall be conducted in the manner provided in Section 4 and the four following sections of this Act; and if it be adjudged that such person has ceased to be of unsound mind and inpacable of managing his affairs, the Court shall make an order for his estate to be delivered over to him, and such order shall be final.

XXII. Except as otherwise herein provided, all orders made by a Civil Court or by any subordinate Court under this Act shall be open to appeal under the rules in force for appeals in miscellaneous cases.

XXIII. The word "lunatic," as used in this Act, unless the contrary appears from the context, shall mean every person found by due course of law to be of unsound mind and incapable of managing his affairs. The expression "Civil Court" shall mean the principal Court of original jurisdiction in the district. Words importing the masculine gender shall include females.

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ACT No. XL. OF 1858:

AN ACT FOR MAKING BETTER PROVISION FOR THE CARE OF THE PERSONS AND PROPEUTY OF MINORS IN THE PRESIDENCY OF FORT WILLIAM IN BENGAL.

WHEREAS it is expedient to make better provision for the care of the persons and property of minors not brought under the superintendence of the Court of Wards; It is enacted as follows:—

I. Regulation I., 1800; Clause 8th and the six following Clauses of Section 29, Regulation VIII., 1805; Section 5, Regulation XVII., 1805; and so much of Sections 2 and 3, Regulation V., 1799; and of Clauses 2nd and 3rd, Section 16, Regulation III., 1803, as restrict the interference of the Civil Courts in cases of inheritance by minors, are repealed.

II. Except in the case of proprietors of estates paying revenue to Government who have been or shall be taken under the protection of the Court of Wards, the care of the persons of all minors (not being European British subjects) and the charge of their property shall be subject to the jurisdiction of the Civil Court.

III. Every person who shall claim a right to have charge of property in trust for a minor under a will or deed, or by reason of nearness of kin, or otherwise, may apply to the Civil Court for a certificate of administration; and no person shall be entitled to institute or defend any suit connected with the estate of which he claims the charge until he shall have obtained such certificate. Provided that when the property is of small value, or for any other sufficient reason, any Court having jurisdiction may allow any relative of a minor to institute or defend a suit on his behalf, although a certificate of administration has not been granted to such relative.

IV. Any relative or friend of a minor in respect of whose property such certificate has not been granted, or if the property consist in whole or in part of land or any interest in land, the Collector of the district may apply to the Civil Court to appoint a fit person to take charge of the property and person of such minor.

V. If the property be situate in more than one district, any such application as aforesaid shall be made to the Civil Court of the district in which the minor has his residence.

VI. When application shall have been made to the Civil Court, either by a person claiming a right to have charge of

the property of a minor, or by any relative or friend of a minor, or by the Collector, the Court shall issue notice of the application, and fix a day for hearing the same. On the day so fixed, or as soon after as may be convenient, the Court shall enquire summarily into the circumstances, and pass orders in the case. Provided always that it shall be competent to the Civil Court to direct any Court subordinate to it to make such enquiry and report the result.

VII. If it shall appear that any person claiming a right to have charge of the property of a minor is entitled to such right by virtue of a will or deed, and is willing to undertake the trust, the Court shall grant a certificate of administration to such person. If there is no person so entitled, or if such person is unwilling to undertake the trust, and there is any near relative of the minor who is willing and fit to be entrusted with the charge of his property, the Court may grant a certificate to such relative. The Court may also, if it think fit (unless a guardian have been appointed by the father), appoint such person as aforesaid, or such relative, or any other relative or friend of the minor, to be guardian of the person of the minor.

VIII. The Court may call upon the Collector or Magistrate for a report on the character and qualification of any relative or friend of the minor who may be desirous or willing to be entrusted with the charge of his property or person.

IX. If no title to a certificate be established to the satisfaction of the Court by a person claiming under a will or deed, and if there be no near relative willing and fit to be entrusted with the charge of the property of the minor, and the Court shall think it to be necessary for the interest of the minor that provision should be made by the Court for the charge of his property and person, the Court may proceed to make such provision in the manner hereinafter provided.

X. If the estate of the minor consist of movable property, or of houses, gardens, or the like, the Court may grant a certificate to the public Curator appointed under Section 19, Act XIX. of 1841 (for the protection of movable and immovable property against wrongful possession in certain cases), or if there be no public Curator, to any fit person whom the Court may appoint for the purpose.

XI. Whenever the Court shall grant a certificate of administration to the estate of a minor to the public Curator or other person as aforesaid, it shall at the same time appoint a

CHAPTER V. guardian to take charge of the person and maintenance of the minor. The person to whom a certificate of administration has been granted, unless he be the public Curator, may be appointed guardian. If the person appointed to be guardian be unwilling to discharge the trust gratuitously, the Court may assign him such allowance, to be paid out of the estate of the minor, as under the circumstances of the case it may think suitable. The Court may also fix such allowance as it may think proper for the maintenance of the minor, and such allowance and the allowance of the guardian (if any) shall be paid to the guardian by the public Curator or other person as aforesaid.

XII. If the estate of the minor consist in whole or in part of land, or any interest in land, the Court may direct the Collector to take charge of the estate, and thereupon the Collector shall appoint a manager of the property of the minor, and a guardian of his person, in the same manner and subject to the same rules in respect of such appointments and of the duties to be performed by the manager and the guardian respectively, so far as the same may be applicable, as if the property and person of the minor were subject to the jurisdiction of the Court of Wards.

XIII. In all enquiries held by the Civil Court under this Act, the Court may make such order as to the payment of costs by the person on whose application the enquiry was made, or out of the estate of the minor, or otherwise, as it may think proper.

XIV. Whenever one or more of the proprietors of an estate which has come under the jurisdiction of the Court of Wards on account of the disqualification of all the proprietors ceases to be disqualified, and the estate in consequence ceases to be subject to the jurisdiction of the Court of Wards, notwithstanding the continued disqualification of one or more of the co-proprietors, the Collector of the district in which the estate is situate may represent the fact to the Civil Court; and the Court, unless it see sufficient reason to the contrary, shall direct the Collector to retain charge of the persons and of the shares of the property of the still disqualified proprietors during the continuance of their disqualification, or until such time as it shall be otherwise ordered by the Court. The Collector shall in such case appoint a guardian for the care of the persons and a manager for the charge of the property of the disqualified proprietors in the manner prescribed in Section 12. If the property be situate in more than one district, the representation

shall be made by the Collector who had the general management of the property under the Court of Wards to the Civil Court of his own district, and the orders of the Court of that district shall have effect also in other districts in which portions of the property may be situate.

XV. The proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue authorities.

XVI. The public Curator, and every other administrator to whom a certificate shall have been granted under Section 10, shall, within six months from the date of the certificate, deliver in Court an inventory of any immovable property belonging to the minor, and of all such sums of money, goods, effects, and things as he shall have received on account of the estate, together with a statement of all debts due by or to the same. And the public Curator and every such other administrator shall furnish annually, within three months from the close of the year of the era current in the district, an account of the property in his charge, exhibiting the amounts received and disbursed on account of the estate, and the balance in hand. If any relative or friend of a minor or any public Officer, by petition to the Court, shall impugn the accuracy of the said inventory and statement, or of any annual account, the Court may summon the Curator or administrator and enquire summarily into the matter, and make such order thereon as it shall think proper, or the Court, at its discretion, may refer such petition to any subordinate Court.

XVII. All sums received by the public Curator or such other administrator on account of any estate in excess of what may be required for the current expenses of the minor or of the estate shall be paid into the public treasury on account of the estate, and may be invested from time to time in the public securities.

XVIII. Every person to whom a certificate shall have been granted under the provisions of this Act may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a minor, and may collect and pay all just claims, debts, and liabilities due to or by the estate of the minor; but no such person shall have power to sell or mortgage any immovable property, or to grant a lease thereof for any period exceeding five years, without an order of the Civil Court previously obtained.

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XIX. It shall be lawful for any relative or friend of a minor, at any time during the continuance of the minority, to sue for an account from any manager appointed under this Act, or from any person to whom a certificate shall have been granted under the provisions of this Act, or from any such manager or person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

XX. If the disqualification of a person, for whose benefit a suit shall have been instituted under this Act, cease before the final decision thereof, it shall be lawful for such person to continue the prosecution of the suit on his own behalf.

XXI. The Civil Court, for any sufficient cause, may recall any certificate granted under this Act, and may direct the Collector to take charge of the estate, or may grant a certificate to the public Curator, or any other person, as the case may be; and may compel the person whose certificate has been recalled to make over the property in his hands to his successor, and to account to such successor for all moneys received and disbursed by him. The Court may also, for any sufficient cause, remove any guardian appointed by the Court.

XXII. The Civil Court may impose a fine not exceeding five hundred rupees on any person who may wilfully neglect or refuse to deliver his accounts, or any property in his hands, within the prescribed time, or a time fixed by the Court; and may realize such fine by attachment and sale of his property, under the rules in force for the execution of decrees of Court; and may also commit the recusant to close custody until he shall consent to deliver such accounts or property.

XXIII. The Civil Court may permit any person to whom a certificate shall have been granted under this Act, not being the public Curator, and any guardian appointed by the Court, to resign his trust; and may give him a discharge therefrom on his accounting to his successor, duly appointed, for all moneys received and disbursed by him, and making over the property in his hands.

XXIV. The public Curator and every other administrator to whom a certificate shall have been granted under Section 10 shall be entitled to receive such commission not exceeding five per centum on the sums received and disbursed by him, or such other allowance, to be paid out of the minor's estate, as the Civil Court shall think fit.

XXV. Every guardian appointed by the Civil Court or by the Collector under this Act, who shall have charge of any male minor, shall be bound to provide for his education in a suitable manner. The general superintendence and control of the education of all such minors shall be vested in the Civil Court or in the Collector, as the case may be; and the provisions of Act XXVI. of 1854 (for making better provision for the education of male minors, subject to the superintendence of the Court of Wards) shall, so far as is consistent with the provisions herein contained, be applicable to the Civil Court or to the Collector, as the case may be, in respect to such minors, and to every such guardian.

XXVI. For the purposes of this Act, every person shall be held to be a minor who has not attained the age of eighteen years.

XXVII. Nothing in this Act shall authorize the appointment of a guardian of the person of a female whose husband is not a minor, or the appointment of a guardian of the person of any minor whose father is living and is not a minor; and nothing in this Act shall authorize the appointment of any person other than a female as the guardian of the person of a female. If a guardian of the person of a minor be appointed during the minority of the father or husband of the minor, the guardianship shall cease as soon as the father or husband (as the case may be) shall attain the age of majority.

XXVIII. All orders passed by the Civil Court or by any subordinate Court under this Act shall be open to appeal, under the rules in force for appeals in miscellaneous cases from the orders of such Court and the subordinate Courts.

XXIX. The expression "Civil Court" as used in this Act shall be held to mean the principal Court of original jurisdiction in the district, and shall not include the Supreme Court; and nothing contained in this Act shall be held to affect the powers of the Supreme Court over the person or property of any minor subject to its jurisdiction. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

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C.—NUZZOOL.

A. D. 1810.—REGULATION XIX.:

A REGULATION FOR THE DUE APPROPRIATION OF THE RENTS AND PRODUCE OF LANDS GRANTED FOR THE SUPPORT OF MOSQUES, HINDOO TEMPLES, COLLEGES, AND OTHER PURPOSES; FOR THE MAINTENANCE AND REPAIR OF BRIDGES, SERAIS, KUTTRAS, AND OTHER PUBLIC BUILDINGS; AND FOR THE CUSTODY AND DISPOSAL OF NUZZOOL PROPERTY OR ESCHEATS.

WHEREAS considerable endowments have been granted in land by the preceding Governments of this country, and by individuals, for the support of mosques, Hindoo temples, colleges, and for other pious and beneficial purposes; and whereas there are grounds to suppose that the produce of such lands is in many instances appropriated, contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments; and whereas it is an important duty of every Government to provide that all such endowments be applied according to the real intent and will of the grantor; and whereas it is moreover essential to provide for the maintenance and repair of bridges, serais, kuttras, and other buildings, which have been erected either at the expense of Government or of individuals for the use and convenience of the public; and also to establish proper rules for the custody and disposal of Nuzzool property or escheate; the following rules have been enacted, to be in force from the period of their promulgation throughout the provinces immediately dependent on the Presidency of Fort William:—

II. The general superintendence of all lands granted for the support of mosques, Hindoo temples, colleges, and for other pious and beneficial purposes, and of all public buildings, such as bridges, serais, kuttras, and other edifices, is hereby vested in the Board of Revenue and Board of Commissioners, in the several districts subject to the control of those Boards respectively.

III. It shall be the duty of the Board of Revenue and Board of Commissioners to take care that all endowments made for the maintenance of establishments of the above description be duly appropriated to the purpose for which they were destined by the Government or individual by whom such endowments were granted. In like manner it shall be the duty of those Boards to provide, with the sanction of Government, for the due repair and maintenance of all public edifices which have been erected either at the expense of the former or present Government, or of individuals, and which either at

present are or can conveniently be rendered conducive to the convenience of the community. CHAPTER V.

IV. In those cases, however, in which any of the buildings in question have fallen to decay, and cannot, from that or other causes, be conveniently repaired, or are not calculated, if repaired, to afford any material accommodation to the public, the Boards shall recommend that they be sold on the public account, or otherwise disposed of as may appear most expedient.

V. Under the foregoing rules, it will of course be incumbent on the Board of Revenue and Board of Commissioners to prevent any lands which have been granted for the support of establishments of the above description from being converted to the private use of individuals, or appropriated in any other mode contrary to the intent and will of the donor; and likewise to prevent all public edifices from being usurped by individuals, and falling into the possession and exclusive use of private persons.

VI. Whenever the Board of Revenue and Board of Commissioners may be of opinion that any of the above-mentioned edifices require repair, they shall obtain the necessary estimates of the expense required for the execution of the work, and forward them to Government for its approval.

VII. The general superintendence of all Nuzzool property or escheats is likewise hereby vested in the Board of Revenue and Board of Commissioners respectively, who will inform themselves fully, through the channel hereafter mentioned, of all property of that description, and report to Government whether it should, in their opinion, be sold on the public account, or in what other mode it should be disposed of.

VIII. To enable the Board of Revenue and Board of Commissioners the better to carry into effect the duties entrusted to them by this Regulation, local agents shall be appointed in each zillah, subject to the authority, control, and orders of those Boards respectively.

IX. The Collector of the zillah shall be *ex-officio* one of those agents, with whom the Governor-General in Council will unite such other public Officers, whether in the Civil, Military, or Medical branch of the service, as may from time to time be judged expedient.

X. Under the provisions of the present Regulation, it will of course be the duty of the agents to obtain full infor-

CHAPTER V. mation from the public records, and, by personal enquiries, respecting all endowments, establishments, and buildings of the nature of those above described, and of all Nuzool property or escheats; and to report to the Board to whose authority those agents are respectively subject, any instances in which they may have reason to believe that the lands or buildings are improperly appropriated, being in all cases careful not to infringe any private rights, or to occasion unnecessary trouble or vexation to individuals.

XI. The said agents will further ascertain and report the names, together with other particulars, of the present trustees, managers, or superintendents of the several institutions, foundations, or establishments above described, whether under the designation of motuwallee or any other, and by whom and under what authority appointed or elected; and whether in conformity to the special provisions of the original endowment and appropriation by the founder, or under any general rule or maxim applicable to such institutions and foundations.

XII. The local agents will also report to the superior Boards all vacancies and casualties which may occur, with full information of all circumstances, to enable the Boards to judge of the pretensions of the person or persons claiming the trust; particularly whether the succession have been heretofore by inheritance in the line of descent; or whether the successor have been in former instances elected, and by whom; or whether he have been nominated by the founder, or his heir or representative, or by any other individual patron of the foundation, or by any Officer or representative of Government, or directly by the Government itself.

XIII. In those cases in which the nomination has usually rested with the present or former Government, or with a public Officer, or if right appertains to Government in consequence of no private person being competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local agents to propose for the approval and confirmation of the superior Board a fit person or persons for the charge of trustee, or manager and superintendent, duly attending to the qualifications of the person selected, and to any special provisions of the original endowment and foundation, and to the general rules or the known usages of the country applicable to such cases.

XIV. On the receipt of the report and information required by the preceding clause, the Board of Revenue or Board

of Commissioners will either appoint the person or persons nominated for their approval, or will make such other provision for the trust, superintendence, and management, as may be right and fit with reference to the nature and conditions of the endowment, having previously called for any requisite further information from the local agents.

XV. Nothing contained in this Regulation shall be construed to preclude any individual, who may conceive that he had just grounds of complaint on account of any orders which may be passed by any of the above-mentioned authorities, with respect to the appropriation of any lands or buildings of the nature of those above described, from suing, in the mode and form prescribed by the Regulations, where Government, or public Officers, or parties; or under the general provisions of the Regulations, if the suit be brought against a competitor or other private person, for the recovery thereof in the regular course of law, or for compensation in damages for any loss or injury supposed to have been unduly sustained by him.

XVI. It is to be clearly understood that the object of the present Regulation is solely to provide for the due appropriation of lands granted for public purposes agreeably to the intent of the grantor, and not to resume any part of the produce of them for the benefit of Government. In like manner it is fully intended that all buildings erected by the former or present Government, or by individuals, for the convenience of the public, should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay, and cannot, from that or any other cause, be conveniently repaired, or which, under existing circumstances, can no longer contribute to the accommodation of the community.

A. D. 1817.—REGULATION V.:

A REGULATION FOR DECLARING THE RIGHTS OF GOVERNMENT AND OF INDIVIDUALS WITH RESPECT TO HIDDEN TREASURE; AND FOR PRESCRIBING THE RULES TO BE OBSERVED ON DISCOVERY OF SUCH TREASURE.

WHEREAS the provisions of the Mahomedan and Hindoo Laws respecting the discovery of hidden treasure differ materially; and whereas it is deemed expedient that an uniform principle should be established for the guidance of persons by whom hidden treasure may be discovered; the following provisions are enacted, to be in force as soon as promulgated throughout the provinces immediately subordinate to the Presidency of Fort William:—

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II. Whenever any hidden treasure, consisting of gold or silver coin, or bullion, or of precious stones, or other valuable property, may be found buried in the earth, or otherwise concealed within any part of the territory subject to this Presidency, and after due notification the owner thereof may not be discoverable, such hidden treasure shall become the property of the person or persons who may have found the same: provided it shall not exceed in amount or value the sum of one lakh of sicca rupees, and provided the finder or finders shall have conformed to the rules prescribed in this Regulation.

III. Whenever any person may find hidden treasure of the description stated in the foregoing section, he shall give immediate notice thereof to the Judge of the zillah or city in which the treasure may have been found, and shall at the same time deposit the treasure in the Zillah or City Court, with an exact inventory thereof.

IV. The Zillah or City Judge receiving a deposit as above directed shall return a receipt for the treasure deposited, after causing the same to be carefully compared with the inventory, and shall issue a public notification in the current languages of the country, to be published and affixed in his own Cutcherry, and in the Cutcherry of the Collector of the district, requiring all persons who may have any claim of right to the treasure in deposit to attend in person or by vakeel, and prove their title thereto, within six months from the date of the notice.

V. It shall be the duty of the Collectors of Land Revenue, acting under the instructions of the Board of Commissioners, or the Commissioner in Behar and Benares, or the Board of Revenue, to bring forward and to support, in conformity with the foregoing provision, any claim of right which Government may appear to possess to such treasure. In the event of any claim of right being preferred, either on the part of individuals or of Government, pursuant to the prescribed notification, the Judge shall institute a summary enquiry into the claim preferred; and if the title of Government or other person so claiming the treasure of deposit or any part thereof be clearly established, he shall adjudge the same accordingly, subject to reimbursement of all expense incurred by the finder of the treasure, as well as to such compensation for the discovery of it as may in each case appear just and reasonable.

VI. If no claim of right be preferred either by Government or by an individual within the period limited by the noti-

fication directed in Section 4 of this Regulation, or if the claim or claims so preferred shall not, on a summary enquiry, appear to be well founded, and the amount or value of the hidden treasure found at the same time or in the same place shall not exceed one lakh of sicca rupees, the Zillah or City Judge shall adjudge the same to the person or persons who may have discovered the treasure, and deposited it in the Zillah or City Court, as required by Section 2; subject only to the actual expense which may have been incurred in adopting the measures prescribed by this Regulation.

VII. If the amount or value of any hidden treasure found at the same time or in the same place shall exceed one lakh of sicca rupees, and no claim of right thereto be established, judgment shall be given, according to the preceding section, in favor of the person or persons who may have discovered and deposited the treasure, to the amount of one lakh of sicca rupees; and the excess above that sum shall be declared at the disposal of Government.

VIII. If any person discovering hidden treasure of the description specified in Section 2 of this Regulation shall not, within one month after finding the same, give notice to the Judge of the Zillah or City Court, in conformity with Section 4, and make the deposit thereby required, he shall be considered to have forfeited all right and title to the treasure, as well as all claim to a reimbursement of expense, compensation, or reward, under the provisions of this Regulation; and the treasure so clandestinely withheld from public investigation shall, on a summary suit by any subsequent claimant of right, and proof of a just title thereto, be adjudged to the legal owner with interest and costs; or if no private claim be established, shall, on the application of the Vakeel of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the Western Provinces, or the Commissioner in Behar and Benares, be liable to confiscation to Government.

IX. The summary decisions of the Judges of the Zillah or City Courts which may be passed under this Regulation shall be open to a summary appeal to the Provincial Courts under the general rules in force relative to summary appeals.

X. The decisions of two or more Judges of the Provincial Courts on such appeals shall be final, unless the Court of Sudder Dewanny Adawlut should, on the face of the decree, or on inspection of any documents exhibited with it, see just and sufficient ground for admitting a second summary appeal to that Court, in which case only such further appeal may be

CHAPTER V. admitted and proceeded upon, under the general rules in force for summary appeals.

ACT No. XX. OF 1863:

AN ACT TO ENABLE THE GOVERNMENT TO DIVEST ITSELF OF THE MANAGEMENT OF RELIGIOUS ENDOWMENTS.

WHEREAS it is expedient to relieve the Boards of Revenue and the local agents in the Presidency of Fort William in Bengal, and the Presidency of Fort St. George, from the duties imposed on them by Regulation XIX., 1810, of the Bengal Code (for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindoo temples, colleges, and other purposes; for the maintenance and repair of bridges, serais, kuttras, and other public buildings; and for the custody and disposal of Nuzzool property or escheats), and Regulation VII., 1817, of the Madras Code (for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindoo temples, and colleges, or other public purposes; for the maintenance and repair of bridges, choultries, or chuttrums, and other public buildings; and for the custody and disposal of escheats), so far as those duties embrace the superintendence of lands granted for the support of mosques or Hindoo temples, and for other religious uses, the appropriation of endowments made for the maintenance of such religious establishments, the repair and preservation of buildings connected therewith, and the appointment of trustees or managers thereof, or involve any connexion with the management of such religious establishments; and whereas it is expedient for that purpose to repeal so much of Regulation XIX., 1810, of the Bengal Code, and Regulation VII., 1817, of the Madras Code, as relate to endowments for the support of mosques, Hindoo temples, or other religious purposes; It is enacted as follows:—

I. So much of Regulation XIX., 1810, of the Bengal Code, and so much of Regulation VII., 1817, of the Madras Code, as relate to endowments for the support of mosques, Hindoo temples, or other religious purposes, are repealed.

II. in this Act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Words importing the masculine gender shall include females.

The words "Civil Court" and "Court" shall mean the principal Court of original civil jurisdiction in the district

in which the mosque, temple, or religious establishment is situate, relating to which, or to the endowment whereof, any suit shall be instituted or application made under the provisions of this Act.

III. In the case of every mosque, temple, or other religious establishment to which the provisions of either of the regulations specified in Section I. are applicable, and the nomination of the trustee, manager, or superintendent whereof at the time of the passing of this Act is vested in, or may be exercised by, the Government or any public Officer; or in which the nomination of such trustee, manager, or superintendent shall be subject to the confirmation of the Government or any public Officer, the Local Government shall, as soon as possible after the passing of this Act, make special provision as hereinafter provided.

IV. In the case of every such mosque, temple, or other religious establishment which, at the time of the passing of this Act, shall be under the management of any trustee, manager, or superintendent, whose nomination shall not vest in, nor be exercised by, nor be subject to the confirmation of the Government or any public Officer, the Local Government shall, as soon as possible after the passing of this Act, transfer to such trustee, manager, or superintendent, all the landed or other property which, at the time of the passing of this Act, shall be under the superintendence or in the possession of the Board of Revenue, or any local agent, and belonging to such mosque, temple, or other religious establishment, except such property as is hereinafter provided, and the powers and responsibilities of the Board of Revenue and the local agents in respect to such mosque, temple, or other religious establishment, and to all land and other property so transferred, except as regards acts done and liabilities incurred by the said Board of Revenue or any local agent previous to such transfer, shall cease and determine.

V. Whenever from any cause a vacancy shall occur in the office of any trustee, manager, or superintendent to whom any property shall have been transferred under the last preceding section, and any dispute shall arise respecting the right of succession to such office, it shall be lawful for any person interested in the mosque, temple, or religious establishment to which such property shall belong, or in the performance of the worship or of the service thereof, or of the trusts relating thereto, to apply to the Civil Court to appoint a manager of such mosque, temple, or other religious establishment, and thereupon such Court may appoint such manager

to act until some other person shall by suit have established his right of succession to such office. The manager so appointed by the Civil Court shall have and shall exercise all the powers which under this or any other Act, the former trustee, manager, or superintendent in whose place such manager is appointed by the Court had or could exercise in relation to such mosque, temple, or religious establishment, or the property belonging thereto.

VI. The rights, powers, and responsibilities of every trustee, manager, or superintendent to whom the land and other property of any mosque, temple, or other religious establishment is transferred in the manner prescribed in Section IV. of this Act, as well as the conditions of their appointment, election, and removal, shall be the same as if this Act had not been passed, except in respect of the liability to be sued under this Act, and except in respect of the authority of the Board of Revenue and local agents, given by the Regulations hereby repealed, over such mosque, temple, or religious establishment, and over such trustee, manager, or superintendent, which authority is hereby determined and repealed. All the powers which might be exercised by any Board or local agent for the recovery of the rent of land or other property transferred under the said Section IV. of this Act may, from the date of such transfer, be exercised by any trustee, manager, or superintendent to whom such transfer is made.

VII. In all cases described in Section III. of this Act, the Local Government shall once for all appoint one or more Committees in every division or district to take the place and to exercise the powers of the Board of Revenue and the local agents, under the Regulations hereby repealed. Such Committee shall consist of three or more persons, and shall perform all the duties imposed on such Board and local agents, except in respect of any property which is specially provided for under Section XXI. of this Act.

VIII. The members of the said Committee shall be appointed from among persons professing the religion for the purposes of which the mosque, temple, or other religious establishment was founded or is now maintained, and in accordance, so far as can be ascertained, with the general wishes of those who are interested in the maintenance of such mosque, temple, or other religious establishment. The appointment of the Committee shall be notified in the official *Gazette*. In order to ascertain the general wishes of such persons in re-

spect of such appointment, the Local Government may cause an election to be held under such rules (not inconsistent with the provisions of this Act) as shall be framed by such Local Government.

IX. Every member of a Committee appointed as above shall hold his office for life, unless removed for misconduct or unfitness, and no such member shall be removed except by an order of the Civil Court, as hereinafter provided.

X. Whenever any vacancy shall occur among the members of a Committee appointed as above, a new member shall be elected to fill the vacancy by the persons interested, as above provided. The remaining members of the Committee shall, as soon as possible, give public notice of such vacancy, and shall fix a day, which shall not be later than three months from the date of such vacancy, for an election of a new member by the persons interested, as above provided, under rules for elections which shall be framed by the Local Government; and whoever shall be then elected under the said rules shall be a member of the Committee to fill such vacancy. If any vacancy as aforesaid shall not be filled up by such election as aforesaid within three months after it has occurred, the Civil Court, on the application of any person whatever, may appoint a person to fill the vacancy, or may order that the vacancy be forthwith filled up by the remaining members of the Committee, with which order it shall then be the duty of such remaining members to comply; and if this order be not complied with, the Civil Court may appoint a member to fill the said vacancy.

XI. No member of a Committee appointed under this Act shall be capable of being or shall act also as a trustee, manager, or superintendent of the mosque, temple, or other religious establishment, for the management of which such Committee shall have been appointed.

XII. Immediately on the appointment of a Committee, as above provided, for the superintendence of any such mosque, temple, or religious establishment, and for the management of its affairs, the Board of Revenue, or the local agents acting under the authority of the said Board, shall transfer to such Committee all landed or other property which, at the time of appointment, shall be under the superintendence or in the possession of the said Board or local agents, and belonging to the said religious establishment, except as is hereinafter provided for; and thereupon the powers and responsibilities of

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the Board and the local agents in respect to such mosque, temple, or religious establishment, and to all land and other property so transferred, except as above, and except as regards acts done and liabilities incurred by the said Board or Agents previous to such transfer, shall cease and determine. All the powers which might be exercised by any Board or local agent for the recovery of the rent of land or other property transferred under this section may from the date of such transfer be exercised by such Committee to whom such transfer is made.

XIII. It shall be the duty of every trustee, manager, and superintendent of a mosque, temple, or religious establishment to which the provisions of this Act shall apply, to keep regular accounts of his receipts and disbursements in respect of the endowments and expenses of such mosque, temple, or other religious establishment; and it shall be the duty of every Committee of management appointed or acting under the authority of this Act, to require from every trustee, manager, and superintendent of such mosque, temple, or other religious establishment, the production of such regular accounts of such receipts and disbursements at least once in every year, and every such Committee of management shall themselves keep such accounts thereof.

XIV. Any person or persons interested in any mosque, temple, or religious establishment, or in the performance of the worship or of the service thereof, or of the trusts relating thereto may, without joining as plaintiff any of the other persons interested therein, sue before the Civil Court the trustee, manager, or superintendent of such mosque, temple, or religious establishment, or the member of any Committee appointed under this Act, for any misfeasance, breach of trust, or neglect of duty committed by such trustee, manager, superintendent, or member of such Committee, in respect of the trusts vested in or confided to them respectively; and the Civil Court may direct the specific performance of any act by such trustee, manager, superintendent, or member of a Committee, and may decree damages and estimated, and shall be added to the costs of costs against such trustee, manager, superintendent, or member of a Committee, and may also direct the removal of such trustee, manager, superintendent, or member of a Committee.

XV. The interest required in order to entitle a person to sue under the last preceding section need not be a pecuniary or a direct or immediate interest, or such an interest as

would entitle the person suing to take any part in the management or superintendence of the trusts. Any person having a right of attendance, or having been in the habit of attending, at the performance of the worship or service of any mosque, temple, or religious establishment, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding section.

XVI. In any suit or proceeding instituted under this Act, it shall be lawful for the Court before which such suit or proceeding is pending to order any matter in difference in such suit to be referred for decision to one or more arbitrators. Whenever any such order shall be made, the provisions of Chapter VI. of the Code of Civil Procedure shall in all respects apply to such order and arbitration, in the same manner as if such order had been made on the application of the parties under Section 312 of the said Code.

XVII. Nothing in the last preceding section shall prevent the parties from applying to the Court, or the Court from making the order of reference under the said Section 312 of the said Code of Civil Procedure.

XVIII. No suit shall be entertained under this Act without a preliminary application being first made to the Court for leave to institute such suit. The application may be made upon unstamped paper. The Court, on the perusal of the application, shall determine whether there are sufficient *primâ facie* grounds for the institution of a suit, and if in the judgment of the Court there are such grounds, leave shall be given for its institution. In calculating the costs at the termination of the suit, the stamp duty on the preliminary application shall be estimated, and shall be added to the costs of the suit. If the Court shall be of opinion that the suit has been for the benefit of the trust, and that no party to the suit is in fault, the Court may order the costs, or such portion as it may consider just, to be paid out of the estate.

XIX. Before giving leave for institution of a suit, or after leave has been given, before any proceeding is taken, or at any time when the suit is pending, the Court may order the trustee, manager, or superintendent, or any member of a Committee, as the case may be, to file in Court the accounts of the trust, or such part thereof as to the Court may seem necessary.

XX. No suit or proceeding before any Civil Court under the last preceding section shall in any way affect or

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interfere with any proceding in a Criminal Court for criminal breach of trust.

XXI. In any case in which any land or other property has been granted for the support of an establishment partly of a religious and partly of a secular character, or in which the endowment made for the support of an establishment is appropriated partly to religious and partly to secular uses, the Board of Revenue, before transferring to any trustee, manager, or superintendent, or to any Committee of management appointed under this Act, shall determine what portion, if any, of the said land or other property shall remain under the superintendence of the said Board for application to secular uses, and what portion shall be transferred to the superintendence of the trustee, manager, or superintendent, or of the Committee; and also what annual amount, if any, shall be charged on the land or other property which may be so transferred to the superintendence of the said trustee, manager, or superintendent, or of the Committee, and made payable to the said Board or to the local agents for secular uses as aforesaid. In every such case, the provisions of this Act shall take effect only in respect to such land and other property as may be so transferred.

XXII. Except as provided in this Act, it shall not be lawful after the passing of this Act for any Government in India, or for any Officer of any Government in his official character, to undertake or resume the superintendence of any land or other property granted for the support of, or otherwise belonging to, any mosque, temple, or other religious establishment, or to take any part in the management or appropriation of any endowment made for the maintenance of any such mosque, temple, or other establishment, or to nominate or appoint any trustee, manager, or superintendent thereof, or to be in any way concerned therewith.

XXIII. Nothing in this Act shall be held to affect the provisions of the Regulations mentioned in this Act, except in so far as they relate to mosques, Hindoo temples, and other religious establishments; or to prevent the Government from taking such steps as it may deem necessary, under the provisions of the said Regulations, to prevent injury to and preserve buildings remarkable for their antiquity, or for their historical or architectural value, or required for the convenience of the public.

XXIV. The word "India" in this Act shall denote the territories which are or may become vested in Her Majesty by the Statute 21 and 22, Vic. C .106, entitled "An Act for the better government of India."

CHAPTER VI.—EXECUTIVE DUTIES.

A.—Pensions. | B.—Supplies for Troops.

A.—PENSIONS.

A. D. 1795.—REGULATION XXXIV.:

A REGULATION FOR RE-ENACTING, WITH MODIFICATIONS, THE RULES RESPECTING THE PENSIONS PAYABLE FROM THE GOVERNMENT AND MOOLKY TREASURIES IN THE PROVINCE OF BENARES.

The following rules are prescribed for determining the continuance or discontinuance of the pensions payable in money from the Government and the Moolky Treasuries at Benares:—

II. The pensions under the heads of Maash and Rozeena sanctioned by the Governor-General in the year 1781, amounting to Benares sicca rupees 33,296 and 7 annas, having been originally granted, either wholly or in part, as indemnifications for ayma, or other land, resumed under the native Government, are not to be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them; but are to be considered as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited in the same manner as other property.

III. The second class of pensions payable from the treasury consist of allowances granted in 1781 by the Governor-General, to certain persons who represented themselves to have been landholders in the zemindaree of Benares, and whom it was then intended to reinstate. Agreeably to the orders of the Governor-General in Council, under date the 11th of April, 1788, no part of these pensions are to be continued to the heirs of the persons now in the enjoyment of them, without his special sanction.

IV. Besides the pensions noticed in the preceding section, there are others payable from the Moolky Treasury, which were heretofore paid by the aumils in their several pergunnahs, and for the amount of which they received credit in their accounts of the revenue; and also certain other miscellaneous allowances to individuals, receivable partly from Government's and partly from the Moolky Treasury, the continuance of all which depend on the conditions and limitations under which they were severally granted. But it is to be considered

CHAPTER VI. as a general rule that the Collector is to report to the Board of Revenue the death of all pensioners whose pensions are receivable either from the Government's or the Moolky Treasury, with the circumstances and conditions of the original grant, and the several orders that may have been subsequently passed on the subject. The Board of Revenue are to submit this report, with their sentiments on the case, to the Governor-General in Council, who will thereon issue such orders as may be applicable respecting the continuance or resumption of each particular pension or allowance.

V. The Cauzy and Moofty of Benares, having always received khilluts at the two Eeds, or annual Mahomedan festivals, denominated the Eedyn, the fixed expense of such khilluts is to be defrayed by the Collector in the usual manner.

VI. The sixth class of pensions consists of the allowances granted by the order of the Governor-General in Council of the 11th of February, 1791, and paid from the Fuslee year 1200 (1792-93) to such of the persons who formerly received pensions from the sayers as, from indigence, age, or helplessness, were deemed objects of real charity, under tusheas, or certificates, specifying that such pensions were to cease on the death of the holders. That this fund may continue to be faithfully applied to its original object, by being appropriated solely to the relief of those natives and settled inhabitants of the District of Benares who, from age, sex, or infirmity, shall be unable to provide for themselves, or earn a livelihood by their labour, it shall be the duty of the Collector of Benares to report immediately to the Board of Revenue the demise of every pensioner on this list, and to recommend the transfer of the pension, wholly or in part, to one or more proper objects. The Board are to submit this recommendation to the Governor-General in Council, with their opinion on it, and in the event of its being approved by him, they are to order the Collector to grant a tushea, or certificate, for the pension under his seal and signature, bearing date from the demise of the last holder. This certificate is to specify the sex and age of the party on whom the pension may be conferred, and the motive for bestowing it on him or her, with a provision that it is to be continued only during the natural life of the holder. The aggregate of the pensions specified in this section is not to be increased beyond the present amount of them, excepting by order of the Governor-General in Council.

VII. Certain charitable allowances are likewise defrayable from the religious offerings made at the temple of Bin-

dabashnee, near to Mirzapore, the distribution of which (as hitherto made to the parties entitled to receive it under the authority of the Native Judge) is to be continued as formerly, with this alteration, that the distribution is to be made, under the orders of the Board of Revenue and the Governor-General in Council, by the Collector, who is to be held responsible for the proper dispensation of the charity, agreeably to the established rules for the management of it. If any of the parties interested in this fund shall deem themselves aggrieved by the orders of the Collector, they may represent the circumstances to the Judge of the Dewanny Adawlut, who is to forward the petition to the Governor-General in Council, who reserves to himself the power of passing such determination on the petition as may appear to him proper.

VIII. For every pension which may be hereafter granted by the Governor-General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from either of the beforementioned treasuries at Benares, the Collector shall deliver to the party by whom the pension is to be received, a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

IX. The Collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds and vouchers under which they are held, in a register in the English and Persian languages to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions as may detect any future attempt to transfer them to others.

X. The annual amount of the pensions is to be issued in monthly proportions, agreeably to the practice which has hitherto prevailed in the province.

XI. All persons receiving pensions exceeding fifty sicca rupees per annum are to attend the Collector in person at the stated periods to receive the amount of their respective pensions, and the Collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The Collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pensions to their authorized vakeels; but he is

CHAPTER VI. to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

XII. All pensions not exceeding fifty sicca rupees per annum are to be paid by the Cauzy of the perguunah in which the pensioners may reside, the Collector supplying him monthly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the Cauzies are to be guided by the same rules and restrictions as are prescribed to the Collector in Section 11 respecting the pensions exceeding fifty rupees per annum, which are to be paid to the pensioners immediately by him. The Cauzies are to take receipts from the pensioners for their respective allowances, and transmit them to the Collector. They are to report to the Collector the death of any pensioner the payment of whose allowance may have been entrusted to them, and any Cauzy who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or appropriate to his own use the allowance of any pensioner, or continue to any person not entitled thereto the allowance of a deceased pensioner, with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office, upon such misconduct being proved to the satisfaction of the Governor-General in Council.

XIII. In districts in which no Cauzies are stationed, the Collector is to commit the payment of the pensions not exceeding fifty rupees per annum to the Tehseeldar or other Officer of Government who may be stationed in the pergunnah or village where such pensioners may reside; or if there be no such officer, to any trustworthy person in the neighbourhood who may be willing to undertake the trust.

XIV. The determining upon the continuance of the pensions and allowances to which this Regulation relates being provided for in respect to each class, under the rules prescribed in the several sections in which they have been successively noticed, all claims to such pensions and allowances, with the exception of those specified in Section 2, are declared not cognizable in any Court of Judicature. But if a Collector, or a Cauzy, or any person entrusted with the payment of pensions under this Regulation, shall withhold from any pensioner the

pension to which he or she may be entitled, the Collector or person withholding the pension shall be liable to be sued for such act in the Dewanny Adawlut of the jurisdiction in which the pension may be payable; and provided proof be made to the satisfaction of the Court that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause to the satisfaction of the Court for having withheld the pension, the Court is to order it to be discharged, and compel the Collector, or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs as may appear to it equitable.

A. D. 1803.—REGULATION XXIV.:

A REGULATION FOR TRYING THE VALIDITY OF TITLES OF PERSONS RECEIVING OR CLAIMING A RIGHT TO RECEIVE PENSIONS UNDER THE DENOMINATIONS OF SALEANA, ROZEENAH, OR ANY OTHER DESCRIPTION OF GRANT, IN THE PROVINCES CEDED BY THE NAWAB VIZIER TO THE HONORABLE THE ENGLISH EAST INDIA COMPANY.

THE following rules are prescribed for determining the continuance or discontinuance of the pensions payable in ready money from the treasuries in the provinces ceded by the Nawab Vizier to the Honorable the English East India Company:—

II. Pensions which may have been granted by the late Government, either wholly or in part, as indemnifications for altumgah, ayma, or other lands (held by sunnuds conferring a right in perpetuity) resumed by such Government, shall not be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them, but are to be regarded as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited in the same manner as other property.

III. Pensions which may have been in like manner granted as an indemnification for lands resumed by the late Government, held only under a life tenure, shall be continued during the life-time of the persons who were in receipt of them at the time of the cession, whether they be the original grantees or their heirs.

IV. The Cauzies and Mufties of the principal cities, having always received khilluts, or shawls, at the two Eeds or

CHAPTER VI. Mahomedan festivals, the expense thereof is to be defrayed by the Judge and Magistrate, in the usual manner, and at the customary rate.

V. *First*,—Pensions which may have been granted by the late Government to the indigent, aged, or helpless, under tusheas, or certificates, specifying that such pensions were to cease on the demise of the holders, shall be continued to the persons who received them at the period of the cession, during their respective lives, whether they be the original grantees or not; and notwithstanding that such pensions may have been granted by the Aumils, provided they were regularly charged in the Aumils' accounts, and admitted or not struck off by the late Government, they shall in like manner be continued to the present receivers, should it appear that they have been in the uninterrupted receipt thereof during a period of three years prior to the cession, or for such other period of time as, from the circumstances of the case and the situation and condition of the claimants, may reasonably constitute a prescriptive right to the continuance of the pension.

Second,—Where a claim may be preferred to a pension which shall not have been paid to the claimant for the period of three years antecedent to the cession, and the Collector may be of opinion that the claim is of such a nature as to merit the consideration of Government, he shall submit the proceedings on the subject of such claim to the Board of Revenue, for the orders of the Governor-General in Council, whatever may be the amount of the claim.

VI. Pensions granted to fakeers and other religious persons, for the purpose of lighting mausoleums or mosques, or for that of repairing them, as also to enable them to perform their religious ceremonies usual in the Mohurrum, shall be continued; but pensions of this description are not to be considered as of a personal nature, and the Collector shall be responsible for their being applied to the purpose for which they were bestowed.

VII. Where written tusheas, certificates, or other deeds cannot be produced, the prescriptive right arising from long receipt shall entitle the claimant to a continuance of the pension.

VIII. In fixing the sum to be paid to the pensioners, the Collector is not to be guided by the amount that may be stated in their respective certificates, but by the amount, as may appear from the pergunnah or zillah accounts, they were in the

habit of receiving; provided such sum does not exceed that stipulated in the certificate, which shall in such case become the standard.

IX. All pensions are to be issued from the zillah treasuries, and are on no account to be deducted in the pergunnah from any particular article of revenue arising to Government.

X. For every pension which may be hereafter granted by the Governor-General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from the beforementioned treasuries in the ceded countries, the Collector shall deliver to the party by whom the pension is to be received, a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

XI. The Collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or sunnuds, and vouchers under which they are held, in a register in the English and Persian languages to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions as may detect any future attempt to transfer them to others.

XII. The annual amount of pensions shall be paid in two equal payments,—*viz.*, at the Khurreef and Rubbee harvests.

XIII. All persons receiving pensions exceeding one hundred sicca rupees per annum are to attend the Collector in person at the stated periods, to receive the amount of their respective pensions, and the Collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The Collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pension to their authorized vakeels, but he is to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

* * * * *

XVI. The continuance or discontinuance of all pensions, except those set forth in Section 2 of this Regulation, shall,

CHAPTER VI. after the death of the persons who now receive them, depend solely on the pleasure of Government, and shall not be subject to cognizance or determination in any Court of Justice. It shall be the duty of the Collector to see that all just and authorized pensions are duly paid; and where any person may deem himself aggrieved by the act of the Collector in respect to a pension, it shall be competent to him to sue for redress in the Civil Court of the district.

XVII. The Collector, under the rules above laid down, or such as may be hereafter prescribed, is authorized to decide on the claims preferred to him, to the amount of one hundred sicca rupees per annum, but no further, subject to an appeal within one month from the date of the decision to the Board of Revenue, and to a further appeal from their decision within the same period to the Governor-General in Council.

XVIII. The Collectors are to keep separate proceedings on the subject of the pensions to which this Regulation relates, and submit a monthly abstract of them to the Board of Revenue.

XIX. The Collectors are to transmit their proceedings on all claims to pensions exceeding one hundred sicca rupees per annum, including their opinion on each case, to the Board of Revenue, who are to submit the proceedings, with their sentiments on the several claims, for the orders of the Governor-General in Council.

A. D.—1806. REGULATION XXII.:

A REGULATION FOR MODIFYING THE RULES HITHERTO OBSERVED IN THE ADMISSION AND PAYMENT OF CLAIMS TO PENSIONS.

WHEREAS under the provisions contained in Regulation XXIV., 1803 (extended by Section 17, Regulation VIII., 1805, to the Conquered Provinces situated within the Doab and on the right bank of the River Jumna, and to the territory ceded to the Honorable the English East India Company in Bundelcund by the Peishwa), the Collectors are authorized to decide on claims preferred to pensions received under the former Government to the amount of one hundred sicca rupees per annum; and whereas it is expedient that such claims should not be admitted without the confirmation of the Board of Revenue; and whereas the same principle requires that the rule contained in Section 5, Regulation XXIV., 1793 (extended to Cuttack by Regulation XII., 1805), should likewise be revised and amended; and also that provision should

be made for the commutation of pensions in certain cases for grants of waste land to be held free of assessment; the following rules have been enacted, to be in force from the time of their promulgation throughout the provinces immediately dependent on the Presidency of Fort William:—

II. Whenever claims may be preferred by individuals in the provinces ceded to the Honorable Company by His Excellency the Nawab Vizier, or in the Province of Bundelcund, or in the Conquered Provinces lying on the right and left bank of the River Jumna, to pensions received under the former Government, not exceeding one hundred sicca rupees per annum, whether under the title of rozeena or any other designation, the Collector shall make the necessary enquiry into the validity of the claimant's title to the pension, under the rules contained in Regulation XXIV., 1803. Previously, however, to the final admission of any claims of that description, the Collector shall submit the proceedings held by him, accompanied with his sentiments on the subject, to the Board of Revenue, who, on a consideration of the circumstances of the case, shall decide finally, with reference to the principles stated in Regulation XXIV, 1803, whether the claim to the continuance of the pension in question should be admitted or otherwise.

III. The principle of the foregoing rule shall likewise be considered to be in force in the Provinces of Bengal, Behar, Benares, and Orissa, including Cuttack. The Collectors, therefore, in those provinces, instead of deciding by their own authority upon claims to pensions not exceeding fifty rupees, under the rule which has hitherto existed with respect to that point, shall submit their proceedings, in the manner above stated, to the Board of Revenue, for their final decision on the subject. This rule of course supersedes the provisions contained in Section 5, Regulation XXIV., 1793, and in Section 17, Regulation XXIV., 1803, under which any person having a claim to a pension not exceeding the sum above specified, which may have been rejected by the Collector and by the Board of Revenue, are empowered to bring the case by appeal before the Governor-General in Council.

IV. It is not intended by the foregoing rules to rescind or otherwise to affect any decisions already regularly passed by the Collectors, or by their predecessors, in any part of the country, upon claims preferred to the continuance of pensions in their respective districts not exceeding the sums above specified; but the several Collectors are hereby required to transmit to the Civil Auditor, within three months from the present

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date, a list of the several pensions adjudged by them, or their predecessors, under the rules hitherto observed, with reference to the monthly abstracts submitted by them to the Board of Revenue, in pursuance of Section 6, Regulation XXIV., 1793, and Section 18, Regulation XXIV., 1803; and the Auditor shall be guided by such list (after comparing them with the monthly abstracts referred to) in auditing the sums charged by the Collector on account of pensions of the above description, admitted previous to the promulgation of this Regulation. In order, likewise, to facilitate the general audit of pensions, the Collectors shall furnish the Civil Auditor, within the above-mentioned period of time, with a separate list of authorized pensions payable in their respective districts exceeding the sums above specified, including reference to the orders of Government by which such pensions have been sanctioned; and the Auditor shall be guided by such lists (after comparing them with the authorities quoted) in the future audit of those pensions, applying, however, to the Board of Revenue for more particular information in cases in which he may entertain any doubts on the subject.

V. Whenever the Board of Revenue may hereafter authorize the continuance of any pensions not exceeding the sums specified in Sections 2 and 3 of the present Regulation, they shall furnish the Civil Auditor with the necessary information on the subject; and no pensions of the above description shall in future be considered to be authorized, excepting such as may have been confirmed by the Board of Revenue. It like manner, the Civil Auditor will be informed by order of Government of any pensions exceeding the sums above specified which may be authorized by the Governor-General in Council.

VI. The several Collectors are hereby required to furnish the Civil Auditor with any further accounts or information which he may require respecting the pensions payable in their respective districts, and to adhere to any forms with which he may furnish them for preparing the above or any other reports which may be required on the subject by that Officer.

VII. Whenever a person in whose favour a pension not exceeding the sums above specified has been or may be adjudged shall die, it shall be left to the Board of Revenue to determine, after receiving the report of the Collector, whether the said pension or any part of it shall be continued to the heirs and successors of the deceased; but, in the exercise of this power, the Board of Revenue is hereby required to ascertain particularly the situation and circumstances of the party claim-

ing the continuance of the pension, and not to comply with any applications of that nature, unless, on the ground of poverty, or for other substantial reason, the party claiming the pensions shall have a strong claim on the indulgence of Government. All applications for the continuance of pensions exceeding the sums above specified are to be reported, agreeably to the rule at present in force, to the Governor-General in Council, for his orders.

VIII. The Collectors of the revenue are hereby required to make it a particular object of their attention to ascertain whether the persons at present receiving pensions are the individuals to whom the pensions were originally adjudged; and in those cases in which it may appear that the individuals to whom the pensions were adjudged are dead, to discontinue the payment thereof, until it shall have been determined under the preceding rules whether the said pensions, or any part thereof, should be continued to their heirs and successors, or otherwise.

IX. It being declared in the Regulations that pensions, with the exception of those specified in Sections 2 and 3, Regulation XXIV., 1803, and in the latter part of Section 30, Regulation XII., 1805, are gratuitous; and that the continuance or discontinuance of them is to depend upon the pleasure of Government, the pensions at present received shall, in all practicable cases, be commuted for grants of waste land, to be held by the grantees and their posterity in perpetuity free of assessment : Provided, however, that no pensions shall be so commuted during the life of the persons by whom they are at present received (in case they have been regularly investigated and adjudged), except with their own consent. Provided also that pensions granted for, and *bonâ fide* appropriated to, the support of institutions either of the Hindoo or Mahomedan religion shall be continued for the support of such institutions, unless the present incumbents, or their successors, shall of their own free will and accord agree to accept grants of waste lands, to be held free of assessment under a permanent tenure, in lieu of the said pensions. Provided, moreover, that no pensions which are declared to be hereditary, either by the terms of the grant or by any existing Regulation, shall be so commuted, without the consent of the present pensioners, or their successors.

X. Whenever a pensioner may die, or may be desirous of commuting the pension received by him for a grant of

CHAPTER VI. waste land, it shall be the duty of the Collector to ascertain and report where lands capable of cultivation, and conveniently situated, with reference to the person to whom they are to be granted, can be obtained for the purpose. If it be intended to make the proposed grant within the limits of the district in which the pension may have been hitherto paid, the Collector will of course have ample means of obtaining the necessary information on the subject from his own records and through the channel of his own Officers. If it be intended to make the proposed grant in any other district, the Collector shall apply to the Collector of that district for the necessary particulars on the subject, and in either case shall report the result to the Board of Revenue.

XI. Whenever the Board of Revenue may be of opinion, on a consideration of the reports above noticed, and of any further information which they may require from the Collectors, that it would be advisable, under the provisions and restrictions stated in the two preceding sections, to commute any of the pensions at present receivable for grants of waste land (whether such pensions exceed or fall short of the sums specified in Sections 2 and 3 of this Regulation), they shall report their sentiments on the subject to Government, accompanied with the draft of a sunnud for the grant in question, to be signed, if approved, by the Chief Secretary of Government, or by the Secretary in the Revenue and Judicial Department, by order of the Governor-General in Council, in framing which grants the Board of Revenue shall particularly attend to the purposes for which the grants are made, and to the wishes of the grantees in regard to the form and title of the deeds.

XII. In ordinary cases, the quantity of land shall be such that the annual net rent produce of it when brought into cultivation may be equivalent to the annual amount of the pension. The Governor-General in Council, however, reserves to himself the power of increasing or diminishing that quantity, as the situation of the parties and other circumstances may suggest. The Governor-General in Council will likewise authorize, in addition to such grants of land, the payment of a sum of money to enable the grantee with greater facility to bring the lands into cultivation; provided, however, that such sum shall not in any case exceed the amount of the pension, in commutation of which the land has been granted, for one year.

A. D. 1813.—REGULATION XI.: CHAPTER VI.

A REGULATION FOR MODIFYING SOME OF THE RULES BEFORE ESTABLISHED RESPECTING THE PAYMENT OF PENSIONS, AND FOR PREVENTING THE ABUSES COMMITTED IN THE RECEIPT OF PENSIONS.

WHEREAS there are grounds to believe that considerable abuses have been and still are committed in the receipt of pensions, by which means the Government is annually defrauded of a considerable sum, and individuals derive pecuniary advantages from practices which in fact merit exemplary punishment; and whereas it is on every account essential to restrain and eradicate abuses of the above description; the following Rules have been enacted, to be in force throughout the provinces immediately dependent on the Presidency of Fort William, from and after the 1st October, 1813.

II. The payment of pensions generally shall be stopped from and after the 1st of October next, until the individuals by whom they may have been hitherto received shall prove to the satisfaction of the Board of Revenue or Board of Commissioners, through the medium of the Collector of the district in which such individuals reside, that they were the original grantees, and, as such, adjudged entitled to the pensions hitherto received by them under the general Regulations, or that they have been regularly declared entitled to succeed to the enjoyment of the said pensions: provided, however, that this rule shall only be considered applicable to pensions of the description of those specified in Regulation XXIV., 1793; Regulation XXXIV., 1795; Section 30, Regulation XII., 1805; and Regulation XXIV., 1803; and to pensions granted to natives lately in the service of Government for their subsistence, and to such as were heretofore issued from the Judicial and Commercial Departments, but have been lately ordered to be paid by the Collectors of the Land Revenue; and shall not be considered to extend to stipends or pensions payable under existing treaties or in conformity to arrangements adopted in the Political and Military Departments.

III. *First*,—It shall be the duty of the Collectors, in making the revision above prescribed of the pension list of their respective districts, to prepare an exact register of the individuals who on such revision may be deemed entitled to a continuance of the pensions hitherto received by them, in such form as may be deemed best calculated to identify the different individuals, and according to such instructions as they may receive on this point for their guidance from the Board of Revenue and Board of Commissioners respectively.

Second,—It shall likewise be the duty of the Collectors to correct the said register carefully, as often as any pensions may revert wholly or in part to Government, or whenever other individuals than those by whom the pensions are at present received shall be adjudged entitled to the reversion of them.

IV. Pensions exceeding fifty rupees per annum, whether in the Lower or Western Provinces, shall be paid in the mode prescribed by Section 14, Regulation XXIV., 1793, and Section 13, Regulation XXIV., 1803. For the accommodation, however, of individuals, the payment of any authorized pensions will be transferred from one district to another, on the application of the party entitled to receive it, in cases in which no public inconvenience shall appear to attend the adoption of that arrangement.

V. *First*,—Sections 15 and 16, Regulation XXIV., 1793, and Sections 14 and 15, Regulation XXIV., 1803, are hereby rescinded.

Second,—Persons entitled to pensions not exceeding fifty rupees per annum shall attend once in each year--that is, on the issue of the first quarterly payment—at the Cutcherries of the Collectors, for the purpose of identifying themselves by reference to the registers ordered to be kept by Clause 1st, Section 3 of this Regulation, and by such other enquiries as the Collectors may deem it necessary to make in order to guard against frauds in the payment of such pensions: provided, however, that in cases in which the Collectors may be satisfied, after making the fullest enquiries possible on the subject, that the pensioners are actually precluded by sickness or infirmity from attending in person, or that they are women who, according to the usages of the country, do not ordinarily appear in public, the first quarterly payment shall be issued to any person duly authorized to receive the amount on the part of such pensioners.

Third,—The three remaining quarterly payments shall be made by any Officer on the regular establishments to whom the Collectors may think proper to commit the performance of this duty. It shall be the duty of the Officer so selected to repair to the residence of the different pensioners, to ascertain fully whether the recorded pensioners be living; whether the persons claiming the different pensions be the persons actually authorized to receive them; to issue such pensions only as are indisputably receivable; to refer all

questions of doubt to the Collector for his orders; and finally to report the result of the duty entrusted to him.

VI. With a view to the more effectual discovery and suppression of the abuses which, as noticed in the preamble to this Regulation, have been committed with respect to the pension list, a reward shall be paid eqivalent to the amount of any pension for the period of six months to any person who shall prove, through the regular channel, to the satisfaction of the Board of Revenue or Board of Commissioners, that such pension is fraudulently or unduly received by the person enjoying the benefit of it.

A. D 1817.—REGULATION VI.:

A REGULATION TO EXPLAIN THE PURPORT AND INTENT OF THE PROVISION CONTAINED IN SECTION 2, REGULATION XXIV., 1803.

WHEREAS doubts have been entertained with regard to the true purport and intent of the provision contained in Section 2, Regulation XXIV., 1803, and it is expedient to remove those doubts by a declaratory enactment, the following Rules have been passed, to be in force throughout the provinces in which Regulation XXIV., 1803, has operation:—

II. *First*,—It is hereby declared that the provision contained in Section 2, Regulation XXIV., 1803, was not intended to authorize the Courts of Civil Justice to take cognizance of claims to any pensions of the nature alluded to in that section, the original title to which had not been previously recognized and confirmed by the Revenue authorities or by Government, to whom the power of investigating and finally deciding on such original titles is exclusively reserved.

Second,—It was only intended by Section 2, Regulation XXIV., 1803, that pensions of the nature described in that section which had been or might be regularly sanctioned and confirmed by the proper Revenue authorities or by Government should not be liable to resumption on the death of the persons authorized to receive them, but should be regarded as property descending to the heirs of the present and future receivers, and be liable to be sued for and inherited in the same manner as other property.

A. D. 1849—ACT VI.:

AN ACT FOR SECURING MILITARY AND NAVAL PENSIONS AND SUPERANNUATION ALLOWANCES.

WHEREAS it is expedient to consolidate and extend the operation of the law as to the exemption of Military and Naval pensions, and other superannuation allowances, from seizure under process of law, it is enacted as follows:—

I. Regulation XII., 1814, of the Bengal Code, and Act XXXI., 1845, are repealed.

II. The reduced pay or pension, however called, of any invalid officer, soldier, sailor, or retainer of the Army or Navy in the Military or Naval service of the East India Company, and also any monthly or yearly pension or pecuniary allowance to any person, in consideration of past services and present infirmities or old age, granted by authority of the Governor-General in Council, or of the Governor or Governor in Council, or Lieutenant-Governor of any presidency or place within the territories under the Government of the East India Company; and also the pension of any out-pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment, or sequestration by process of any Court within the said territories, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

III. All assignments, agreements, orders, sales, and securities of every kind made by any such pensioner in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court established by Royal Charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale, or security, by any such pensioner, made before the passing of this Act, in respect of a Chelsea or Greenwich pension (or a pension or allowance granted in the Presidency of Madras, or before the 27th of December, 1845, in respect of a pension or allowance granted in the Presidency of Bombay), or before the 27th May, 1814,* in respect of a pension or allowance granted in the Presidency of Bengal.

* The date of Regulation XII., 1814, rescinded above.

B.—SUPPLIES FOR TROOPS.

A. D. 1806.—REGULATION XI.

A REGULATION FOR FACILITATING THE PROGRESS OF DETACHMENTS OF TROOPS THROUGH THE COMPANY'S TERRITORIES; FOR AFFORDING ANY REQUISITE ASSISTANCE TO PERSONS TRAVELLING THROUGH THOSE TERRITORIES; AND FOR EXTENDING THE RULES CONTAINED IN SECTIONS 68 AND 72, REGULATION XXII., 1795, IN CLAUSES 5TH AND 6TH, SECTION 14, REGULATION VIII., 1805, AND IN SECTION 31 OF THAT REGULATION, TO THE WHOLE OF THE COMPANY'S PROVINCES SUBJECT TO THE IMMEDIATE GOVERNMENT OF THE PRESIDENCY OF FORT WILLIAM; FOR THE GUIDANCE OF THE CIVIL OFFICERS IN APPLYING FOR GUARDS FROM THE REGULAR BATTALIONS; AND FOR MODIFYING THE RULE CONTAINED IN CLAUSE 1ST, SECTION 12, REGULATION I., 1804.

WHEREAS it is expedient to enact into a Regulation, for general information and observance, the rules which have been established by Government at different times (with such amendments as have been deemed necessary), for facilitating the progress of Military detachments through the Company's provinces; for ascertaining and defraying any necessary expense incurred for that purpose; and for providing a compensation when any material damage may be sustained in the cultivation of the country from the march or encampment of troops; And whereas it has also been judged proper to empower the local Officers of Police to afford such reasonable assistance as may be required by travellers (whether European or Native) proceeding through their respective jurisdictions, in procuring the means of prosecuting their journeys; And whereas it is further necessary to extend to the other provinces under this Presidency (with modifications) the rules established in the Province of Benares by Sections 68 and 72, Regulation XXII., 1795, prohibiting, with certain exceptions, the use of the uniform of the Company's native troops, the sending of sepoys or lascars into villages for the purpose of procuring provisions, or of pressing coolies and boatmen, and the employing of badged peons, or other public servants wearing badges; as well as the rules established in the Ceded and Conquered Provinces by Clauses 5th and 6th, Section 14, Regulation VIII., 1805, for the trial and punishment of Military guards in charge of prisoners who may escape; and likewise the rule contained in Section 31, Regulation VIII., 1805, for promulgating the Regulations in the country language; And whereas it is likewise necessary that fixed and defined rules should be established for the guidance of the Magistrates and other Civil Officers in applying for detachments, guards, or escorts for the public service from

CHAPTER VI. the regular battalions; And whereas it has been judged advisable to modify the rule contained in Clause 1st, Section 12, Regulation I., 1804; The following Rules have been enacted, to be in force throughout the whole of the provinces subject to the immediate government of the Presidency of Fort William (according as such Rules may be applicable to the said provinces respectively) from the date of their promulgation:—

II. Whenever a detachment of troops or a single corps shall be ordered to proceed by land or by water through any part of the Company's territories, the Commanding Officer of such detachment or corps is required to give the earliest praticable notice to the Collectors of the Revenue of the zillahs through which the troops are to pass, of the probable time of their arrival within such districts respectively, together with information of the probable period of their arrival at the particular places where supplies may be required, and a specification of the supplies which will be wanted. The Commanding Officer will likewise notify to the Collectors the probable period of the arrival of the troops at the rivers or nullahs intersecting their march, where boats or temporary bridges may be necessary for crossing the troops, and the baggage attached to them. The Commanding Officer will, at the same time, communicate to the Magistrates of the zillahs through which the troops are to pass the probable time of the arrival of the troops within their respective jurisdictions.

III. *First*,—On receiving the notification mentioned in the foregoing section, the Collector shall immediately issue the necessary orders to the landholders, farmers, Tehseeldars, or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise, for enabling the troops to cross such rivers or nullahs as may intersect their march, without any impediment or delay. The Collector shall, at the same time, depute a creditable Native Officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies, and of facilitating the march of the troops. It shall also be the duty of such Native Officer to provide the troops with whatever bearers, coolies, boatmen, carts, and bullocks may be indispensably necessary to enable the troops to prosecute their route. Should he experience any difficulty in the performance of this duty, he is at liberty to apply for assistance to the nearest Police Officer, who is directed to afford his aid in providing the number of persons and of carts and bullocks required.

Second,—The supplies furnished under the foregoing clause (including earthen pots, firewood, and every article of supply) shall be paid for by the persons receiving the same, at the current bazaar prices of the place at which they may be provided; and all Officers commanding detachments of troops or single corps marching through any part of the Company's territories are enjoined to make immediate enquiry into any complaints which may be preferred to them by the persons furnishing such supplies, or in their behalf, against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

IV. *First,*—Whenever a detachment of troops or a single corps shall be provided with boats, temporary bridges, or other accommodations, by any landholder, farmer, Tehseeldar, or other person, conformably to the orders of the Collector of the zillah, for the purpose of crossing the troops and their baggage over rivers or nullahs, the Commanding Officer of such detachment or corps will grant a certificate to the person furnishing the same, specifying the number of boats and persons employed, the burthen of each boat, and how long employed on the public service. In instances in which temporary bridges may be constructed for the above purpose, the certificate to be granted by the Commanding Officer is to specify generally the dimensions of the bridges, and the materials of which they may be composed.

Second,—The certificate mentioned in the foregoing clause shall be immediately transmitted to the Collector of the zillah by the person receiving it, accompanied by the detailed account of the expense incurred for the purposes therein specified. The Collector shall without delay communicate the particulars of the account to the Officer commanding the detachment or corps on whose account the expense may have been incurred, who shall certify generally thereon whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

Third,—When the account above mentioned shall be returned to the Collector, he shall certify whether the sums and rates charged in it are, in his opinion, reasonable, and conformable to the usual rates of labour and hire in the zillah, and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel, to the Governor-

General in Council. After the account shall have undergone the examination and report prescribed for all Military contingent charges, the Governor-General in Council will pass such final order as may appear proper. In the meantime, the Collector is empowered in such cases to pay the amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer, or other person entitled thereto, inserting the amount so disbursed by him at the foot of his Treasury account, in explanation of his Treasury balance, in the mode prescribed for similar cases.

V. *First*,—Whenever a proprietor, farmer, tenant, or manager of land, through which any detachment or corps of the Company's troops may march, or on which they may be encamped, shall consider himself entitled to compensation for any injury sustained from the march or encampment of the troops, he shall immediately furnish the Commanding Officer of such troops with as accurate a statement as can be prepared of the nature and extent of the injury sustained; when the Commanding Officer is required to certify generally thereon whether or not the damage represented to have been sustained has been actually committed, together with his opinion respecting the justice and extent of the claim.

Second,—If the proprietor, farmer, tenant, or manager, after receiving such certificate, shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim, with the Commanding Officer's certificate thereon, to the Collector of the zillah (either in person or by his vakeel) within ten days from the date of the certificate; but no claim of this description shall be received by the Collector after the expiration of that period, unless the person preferring it shall assign good and satisfactory reason for the delay. The Collector, on receiving a statement of damage, and the Commanding Officer's certificate thereon, within the prescribed period, or afterwards, if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded, and shall report his proceedings to the Board of Revenue, accompanied by his opinion on the merits of the claim, for the consideration and orders of Government. It is, however, declared that no claim will be received, unless accompanied by the prescribed certificate of the Commanding Officer of the troops by whom the damage may be stated to have been committed, excepting in instances in which the claimant can show good and sufficient cause for not having

obtained such certificate. In such cases, if the Collector shall be satisfied with the cause assigned by the claimant for not having obtained the prescribed certificate, he shall transmit the petition and statement of the claimant to the Officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto previously to determining whether or not the claim be entitled to investigation.

VI. Immediately on receiving the notification mentioned in Section 2, the Magistrate shall transmit orders to the several Police Darogahs or other local Officers of the Police through whose jurisdiction the troops are to pass, to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions, and to co-operate, as far as necessary, with the person deputed on the part of the Collector, in procuring the requisite supplies, as well as in adjusting any disputes which may arise respecting the prices of the articles furnished, and in preventing any alarm to the inhabitants of the country.

VII. Officers commanding detachments of troops or single corps on their march through any part of the Company's territories are already required, by the General Orders issued under date the 1st of February, 1788, to report to the Commander-in-Chief in what manner the troops have been supplied in passing through the districts lying in their route. In like manner the Collectors are directed to report to the Board of Revenue, and the Magistrates to report to the Nizamut Adawlut, for the information of the Governor-General in Council, any complaints which may be made to them of the misbehaviour of the troops, when such complaints shall appear to be well founded, and of sufficient importance to require communication to Government.

VIII. Whenever any Military Officer, not commanding nor proceeding with a corps or detachment of troops, or any other person (whether European or Native) not restricted by Government from passing through the country, may be proceeding within any part of the Company's provinces, either on the public service or on his private affairs, and shall be in need of assistance during his route to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local Officer of Police to aid him in providing any requisite bearers, coolies, boatmen, carts, or bullocks, or any necessary supplies of provisions or other articles. On receiving an application of the above nature, the Police Officer to whom it may be made shall

CHAPTER VI. furnish the aid required, or cause it to be furnished by the proper person or persons; provided that a sufficient number of persons who have been accustomed to act as bearers, coolies, or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture and occasionally let for hire, can be procured within his jurisdiction. But all Police Officers are strictly forbidden, under pain of dismission from office (under the rules prescribed by Regulation V., 1804), on applications of the above nature, to compel any persons not accustomed to act as bearers, coolies, or boatmen to serve on such occasions; or to furnish a traveller, or cause him to be furnished, with bullocks or carts kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture. Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first Police station in the next zillah through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons. The Police Officers are further enjoined to be careful that a proper compensation for the bearers, coolies, boatmen, carts, or bullocks employed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto. For this purpose, the Police Officers are authorized to adjust the rate of hire to be paid for the bearers, coolies, boatmen, carts, or bullocks required, and the price of any articles provided, as well as to demand that the whole or a part, according to the circumstances of the case, be paid in advance. Should any traveller refuse to comply with the adjustment or demand so made by a Police Officer, he will not be entitled to any assistance from the Officers of Government under this Regulation.

IX. *First*,—The rules contained in the following clauses which have been already established in the Province of Benares by Sections 68 and 72, Regulation XXII., 1795, are hereby extended, with amendments, to the whole of the territories under this Presidency.

Second,—All persons, whether European or Native, within the Company's provinces (excepting such privileged persons as the Government may specially exempt from the operation of the rule contained in this section), are positively forbidden to dress any of their servants, either for the purpose of parade or of business, in the uniform of the Company's sepoys and lascars, or in a dress so nearly approaching to that uniform as to enable the persons wearing it to impose themselves on the country people for sepoys and lascars.

Third,—All natives, excepting those actually in the Military service of the Company, or belonging to persons specially exempted by Government from the operation of this rule, are forbiden to wear a dress similar to that mentioned in the foregoing clause.

Fourth,—Officers of every description employed in the service of the Company, who are allowed establishments of burkundauzes, peons, and pykes in their official capacity, or who may have occasion to employ persons of any of those descriptions in such capacity, are prohibited from clothing them with a Military dress.

Fifth,—Native Officers and sepoys, excepting subhadars, jemadars, and serangs, even though in the service of the Company, who may temporarily reside or have occasion to travel in the interior parts of the country, unless employed on the public service, are forbidden to wear their uniform coats.

Sixth,—With a view of giving full effect to the orders contained in the preceding clauses, the Military Commanding Officers of stations and of detachments in the interior parts of the country, and the several Zillah and City Magistrates, are hereby authorized and required to deprive of a Military dress any person who shall wear, it contrary to these orders, unless it shall appear that such person is in the Military service of the Company, in which case he shall be sent to the corps to which he may belong, with a written complaint against him. The local Officers of Police are also empowered and directed to apprehend all persons of the above description, and to send them to the Magistrate, who will deal with them in the manner above prescribed.

Seventh,—Military Officers, or other persons to whom escorts may be allowed, when travelling through the country by land, or proceeding by water, are forbidden to send sepoys or lascars into the villages for the purpose of procuring any sort of provisions, or of pressing bearers, coolies, or boatmen. Every local Officer of Police, upon proper application, will, under Section 8 of this Regulation, grant such assistance as he may be able to afford; and all violent measures, therefore, will be considered equally illegal and unnecessary.

Eighth,—No person shall be allowed to distinguish his burkundauzes, peons, pykes, or other servants with badges, except the public Officers (Civil or Military) employed in the service of the Company who are allowed establishments of burkundauzes, peons, or pykes in their official capacity, or

CHAPTER VI. who may have occasion to employ persons of those descriptions in the public service. The several Zillah and City Magistrates are empowered and directed to apprehend any person (not being in the service of a public Officer of the Government authorized to entertain such servants) who shall wear a badge, in opposition to the prohibition contained in this clause, and to deprive him of the badge. The local Officers of Police are also authorized and directed to apprehend persons of the above description, and to send them to the Magistrate, by whom the offender will be dealt with as above directed. Any European, not being a Police Officer of the Government to whom any of such descriptions of public servants are allowed, employing badged peons or other descriptions of servants wearing badges, contrary to this prohibition, will be liable to the severe displeasure of Government, on representation of the circumstances of the case by the Magistrate, who is directed to report all such instances for the information and orders of the Governor-General in Council.

X. *First*,—The rules contained in the following clauses, which have been already establised in the Ceded and Conquered Provinces by Clauses 5th and 6th, Section 14, Regulation VIII., 1805, are hereby declared to be in force throughout the rest of the Company's territories under this Presidency.

Second,—Provision is made by Section 6, Regulation II., 1799, for the punishment of guards in charge of convicts who may have escaped, and, in certain cases, for committing or holding such guards to bail for trial before the Court of Circuit. This provision is extended to guards in charge of prisoners who may escape from their custody, whether before or after conviction, but shall not be considered applicable to Military guards from the provincial battalions (while such battalions continue subject to Military law), or from any regular corps of the army. Whenever it shall appear to the Magistrate that a guard furnished from any of the regular battalions, from any provincial battalion, or from any other corps subject to martial law, has been guilty of wilful neglect in guarding the prisoners under his charge, or of connivance at the escape, or the attempt to escape, of any prisoner, or of any other act of a criminal nature, in the discharge of his duty, the Magistrate shall cause the offender to be delivered over to the Officer commanding the provincial battalion, or the detachment to which he may belong, with a charge in writing, that he may be tried, and punished on conviction, by a court-martial.

Third,—The mode of proceeding against Military guards directed in the preceding clause shall be observed with res-

pect to any other offence involving a breach of Military duty, and properly cognizable by courts-martial, but shall not be held applicable to any criminal charge against such guards or other sepoys, whether belonging to the provincial battalions or regular corps of the Army, which may not involve a breach of Military duty, and the cognizance of which may therefore appertain to the Civil Courts.

XI. On receiving translations in the country languages of the present Regulation, the Magistrates of the several zillahs and cities shall transmit copies to the local Officers of Police; and the Collectors shall furnish copies to the principal landholders, farmers, Tehseeldars, and managers of estates within their respective jurisdictions, with directions to publish and exhibit the same in their Cutcherries for general information

XII. *First*,—The following rules contained in Section 31, Regulation VIII., 1805, for the Ceded and Conquered Provinces, is hereby extended to the remainder of the Company's territories under this Presidency:—

Second,—On receipt of translations of the Regulations in the country languages, the Zillah and City Judges and Magistrates shall cause the same to be publicly read in their Cutcherries, and shall require the native pleaders of their respective Courts to take copies of the translations of any Regulations which relate, directly or indirectly, to the administration of Civil Justice. The Judges shall also cause the copies which by Section 10, Regulation XXXIX., 1793 (extended to Benares by Regulation XLIX., 1795), they are required to furnish to the Cauzies stationed in the several towns and pergunnahs within their respective jurisdictions, to be read and published, for general information, at the Cutcherries of the Native Commissioners empowered to act as Moonsiffs, and of the Police Darogahs or Tehseeldars in charge of the Police.

XIII. It being necessary, in consequence of the reduction of the provincial battalions in the Upper Provinces, that rules should be established for the guidance of the Magistrates, and of the other Civil Officers in the several zillahs, in applying for guards or detachments from the regular corps, for the support of the Police, or for other duties connected with their public situations; and likewise for the guidance of the Military Officers commanding the corps from which such guards or detachments are to be furnished; the following rules have been accordingly enacted:—

XIV *First*,—Whenever the Magistrates may require detachments of troops from the regular battalions, for the

apprehension of public offenders, or for the maintenance of the peace in their respective districts, they shall state in writing, as fully and circumstantially as may be practicable, the nature of the service required to be performed, to the Officer commanding the corps or companies from which the detachment is to be furnished, leaving it to the Commanding Officer, on a consideration of the circumstances stated, to judge of the strength of the force which should be employed in the execution of the duty in question.

Second,—The power vested in the several Magistrates by the foregoing rule being founded upon the nature and exigency of the case, which may frequently require promptitude and decision, and will seldom admit of a reference to Government, it shall be the duty of Officers commanding corps and detachments immediately to furnish the necessary Military aid, whenever applications may be regularly and publicly made to them by the Magistrates for troops for the maintenance of the peace. or for the support of the general Police of the country. By those means the responsibility of calling in the aid of the Military will rest with the Civil Magistrates, and the allotment of the force will depend upon the Officers commanding troops, who are not, however, on occasions of this nature, to exercise any discretion in granting or withholding the required aid. But as it is, at the same time, essential to restrict the employment of Military force to cases of absolute necessity, the Magistrates are hereby enjoined to confine their requisitions for Military force to cases of that description, and to report to Government whenever they may apply for Military aid, under the rule contained in this section, at the same time furnishing the Governor-General in Council with the necessary information respecting the circumstances upon which the application for such aid may have been grounded.

Third,—The Officers commanding troops by whom such detachments may be furnished in pursuance of the applications of the Magistrates shall immediately transmit the necessary reports thereof to the Commander-in-Chief.

XV. *First,*—The permanent guards required by the Magistrates, by the Collectors of the Land Revenue and Customs by the commercial residents, and by any other public Officers authorized to require such guards for the protection of the public treasuries, stores, or other property, shall be in future furnished in the Ceded and Conquered Provinces from the regular battalions The Civil Officers requiring permanent guards

shall accordingly state fully and circumstantially the nature of the service necessary to be performed to the Officer commanding the corps from which the guards are to be furnished On receipt of such information, the Commanding Officer shall furnish guards of such strength as he may deem necessary; provided that no public objection shall occur to a compliance with the application, and that he shall be satisfied that the Civil Officer from whom the application may have been received was entitled to make it by the general rules and usages of the service. But as the same necessity does not exist for vesting the Magistrates and other public Officers, in cases of this nature, with the extensive powers entrusted to the Magistrates in the cases described in Section 14 of the present Regulation, the Commanding Officer shall be at liberty, in case he shall deem it necessary or proper, on any public grounds, to suspend compliance with the application, and to refer the case to the Commander-in-Chief, who will forward the representation to Government for its decision, or pass such orders on the subject as may appear to him to be proper. With the view likewise of preventing abuse of the powers vested in the Civil Officers, in applying for guards from the regular battalions, the Magistrates and other Officers in the Judicial Department shall, on the receipt of the present Regulation, transmit to the Governor-General in Council a statement of the permanent guards employed or required by them, for his consideration and orders. In like manner the Officers in the Revenue and Commercial Departments shall transmit to the Board of Revenue and Board of Trade a statement of the permanent guards required by them in the discharge of the duties of their respective offices; and the Board of Revenue and Board of Trade shall forward the statements required from the Officers acting under their authority, with any remarks which they may deem necessary, for the consideration and orders of Government.

Second,—When the permanent guards required by the different Officers in the Civil Department of the service shall have been fixed under the rule contained in the preceding section, no augmentation shall be made in the number or strength of such guards, without the express sanction of the Governor-General in Council.

XVI The temporary escorts which may in future be required by the Magistrates, by the Collectors of the Land Revenue and Customs, by the commercial residents, and by any other public Officers authorized to require Military aid for the remittance of treasure, of stores, or of other public property, or for other purposes connected with their respective official

CHAPTER VI. situations, are in future to be furnished in the Upper Provinces from the regular battalions. The Civil Officer requiring any such escort is accordingly to state fully and circumstantially the nature of the service necessary to be performed to the Officer Commanding the corps from which the required escort is to be furnished. On receipt of such information, the Commanding Officer shall furnish an escort, of such strength as he may deem necessary, for the performance of the duty in question; provided that no substantial public objection shall occur to a compliance with the application, and that he shall be satisfied that the Civil Officer from whom the application may have been received was entitled to make it by the general rules and usages of the service. But if not, the Commanding Officer shall be at liberty to suspend compliance with the application, and to refer the case to the Commander-in-Chief, who will forward the representation to Government for its decision, or pass such orders on the subject as may appear to be proper.

XVII. It shall be the duty of the Magistrates and other Officers in the Judicial Department to transmit to Government, on the first of each month, a statement of the guards, detachments, and escorts employed by them in the preceding month. The Collectors, commercial residents, and other Officers in the Revenue and Commercial Departments, shall in like manner transmit to the Board of Revenue and Board of Trade, on the first of each month, a statement of the guards, detachments, and escorts employed by those Officers respectively in the preceding month; and the Board of Revenue and Board of Trade are hereby required to report to Government, whenever they may be of opinion that the guards, detachments, or escorts employed by the Officers subject to their control, were not requisite for the public service.

XVIII. The foregoing rules have been framed chiefly with a reference to the Ceded and Conquered Provinces, in which the Military duties connected with the offices of the Magistrates, Collectors, and other public Officers in the Civil branch of the service; are to be performed by the men of the regular corps. Provincial battalions having been established in the Provinces of Bengal, Behar, Orissa, and Benares, for the discharge of those duties, it can seldom, if ever, be necessary for the Magistrates, Collectors, and other Civil Officers in those provinces to apply for guards or detachments from the regular battalions. Should any emergency, however, at any time occur to render the services of the regular corps necessary for the

maintenance of the internal peace of the country, or for any other public duty connected with the situations of the Magistrates or other Civil Officers, those Officers, and likewise the Officers commanding corps and detachments in the Provinces of Bengal, Behar, Orissa, and Benares, are to conform to the rules contained in Sections 14, 15, and 16 of the present Regulation.

XIX. The foregoing rules are not to be considered applicable to the Presidency station. Whenever guards, detachments, or escorts may be required by the Magistrates of Calcutta and of its vicinity, or by any of the other Civil Officers, for the discharge of any public duty connected with their respective official situations, they are to make the necessary application for that purpose, agreeably to former usage, to the Governor-General in Council, through the channel prescribed for conducting the public correspondence.

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A. D. 1820.—REGULATION III.:

A REGULATION FOR RESCINDING SOME OF THE PROVISIONS OF REGULATION XI., 1806, AND FOR PREVENTING THE PRACTICE OF PRESSING COOLIES OR BEGAREES.

WHEREAS the authority vested by Regulation XI., 1806, in the Collectors and their Native Officers, and in the Magistrates and their Police Officers, to assist in procuring coolies for the purpose of facilitating the march of detachments of troops, or the progress of individual travellers, has operated to encourage the highly injurious practice which prevails of forcibly pressing certain classes of the inhabitants of the towns and villages, under the denomination of begarees or coolies, for the purpose of carrying baggage or other loads from stage to stage or from village to village; and whereas the Governor-General in Council has deemed it expedient to adopt measures for the entire suppression of the said highly objectionable practice; the following rules have been enacted, to have effect throughout the whole of the territories immediately subordinate to the Presidency of Fort William from the date of their promulgation:—

II. Such part of the provisions of Regulation XI., 1806, as authorize the Collectors and their Native Officers, or the Magistrates and their Police Officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops or the progress of Civil and Military Officers or other

CHAPTER VI. individuals travelling through the country, either on the public service or on their private affairs, is hereby rescinded.

III. The practice of pressing or compelling individuals, whether under the denomination of coolies, begarees, or any other denomination, to carry burthens, either for the public service or for the convenience of private individuals, is hereby positively prohibited; and the several Magistrates and Joint Magistrates are required to adopt all legal means in their power to put an entire stop to the practice in question, by enquiring fully into all complaints which may be brought before them, and by subjecting persons regularly convicted of the offence to such penalties as on a consideration of the circumstances of the case may appear to be proper, and consistent with the powers vested in the Magistrates by the general Regulations.

A. D. 1825.—REGULATION VI..

A REGULATION FOR RENDERING MORE EFFECTUAL THE RULES IN FORCE RELATIVE TO SUPPLIES AND PREPARATIONS FOR TROOPS PROCEEDING THROUGH THE BRITISH TERRITORIES.

WHEREAS it is enacted in the 1st Clause of Section 3, Regulation XI., 1806, that, on receiving the notification mentioned in the preceding section, relative to a body of troops about to proceed by land or by water through any part of the Company's territories, the Collector of the district shall immediately issue the necessary orders to the landholders, farmers, Tehseeldars, or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats, temporary bridges, or otherwise, for enabling the troops to cross such rivers or nullahs as may intersect their march, without impediment or delay; it being at the same time further directed in the 2nd Clause of the section referred to that the supplies so furnished shall be paid for by the persons receiving the same, at the current bazaar prices of the place at which they may be provided; and that the expense incurred for crossing the troops and their baggage over rivers or nullahs, after being duly ascertained, will be paid by Government; and whereas experience has shown the necessity of enabling the Collectors, or other public Officers acting in that capacity, to enforce their orders in the cases above mentioned, by imposing a fine upon any landholder, Tehseeldar, or other person in the possession or management of land, who, after receiving the requisition issued in pursuance of the section above cited, may be proved to have wilfully disobeyed or neglected the same; the Gover-

nor-General in Council has therefore enacted the following rules, to be in force as soon as promulgated in all the provinces immediately subject to the Presidency of Fort William:—

II. Any landholder, farmer, Tehseeldar, or other person in the possession or management of land, who may have been duly required by a Collector of the Land Revenue, or any public Officer acting in that capacity, in pursuance of Section 3, Regulation XI., 1806, to provide supplies for a body of troops about to proceed by land or water through any part of the British territories; or to make preparations of boats, temporary bridges, or otherwise, for enabling the troops to cross rivers or nullahs intersecting their march; and after the receipt of such requisition, shall wilfully disobey or neglect the same, or shall, without sufficient cause, fail to exert himself for the due execution of the duty so assigned to him, shall, on proof of such failure, neglect, or disobedience to the satisfaction of the Collector, or other Officer acting in that capacity, by whom the order may have been issued, or of his successor in the same office, be liable to a fine proportionate to the defaulter's condition in life and the circumstances of the case, in such amount as the Collector or other Officer, with due regard to these considerations, may judge it proper to impose; so that the fine shall not in any case exceed the sum of one thousand sicca rupees

III. The Collector, or other Officer acting in that capacity, who may exercise the powers vested in him by this Regulation, shall previously make a summary enquiry, in the presence of the party charged with disobeying or neglecting the order issued to him, or of his representative; if on being duly summoned he shall attend in person or by vakeel for that purpose. If he shall fail to attend, either in person or by vakeel, the summary enquiry shall be conducted *ex-parte*, and the Collector shall record upon his proceedings the whole of the evidence obtained in proof of the neglect or disobedience for which a fine may be imposed.

IV. The Collector or other Officer who may adjudge a fine under this Regulation shall be competent to levy the amount by the same process as is authorized for the recovery of arrears of the public revenue. Provided that if an appeal be preferred from his decision, within six weeks from the date of it, to the Board of Revenue in whose jurisdiction the district may be situate, and sufficient security be tendered for performing the judgment of the Board upon the appeal, the Collector shall stay the execution of his order for levying the fine

CHAPTER VI imposed by him, until he shall receive the final order of the Board.

V. Appeals from the orders of Collectors or other public Officers adjudging fines under this Regulation may be preferred on the stamped paper prescribed for other appeals to the Revenue Boards, either immediately to the proper Board, or through the Officer by whom the fine may have been adjudged; and on admission of the appeal, the whole of the proceedings in the case shall be transmitted to the Board But no such appeal shall be receivable after the expiration of six weeks from the date of the judgment, without proof of sufficient reason for the delay, to the satisfaction of the Board by whom the case may be cognizable.

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